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CANADA AND ITS PROVINCES

IN TWENTY-TWO VOLUMES AND INDEX

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VOL. 15

SECTION VIII

THE PROVINCE OF QUEBEC

PART I



CANADA

ITS PROVINCES

A HISTORY OF THE CANADIAN PEOPLE AND THEIR INSTITUTIONS

BY ONE HUNDRED ASSOCIATES





JEAN TALON

After the painting in the Hôtel-Dieu, Quebec

CANADA
AND ITS PROVINCES
A HISTORY OF THE CANADIAN PEOPLE AND THEIR INSTITUTIONS
BY ONE HUNDRED ASSOCIATES

ADAM SHORTT
ARTHUR G. DOUGHTY
GENERAL EDITORS

VOLUME XV



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QUEBEC IN THE DOMINION: GENERAL OUTLINES

QUEBEC IN THE DOMINION: GENERAL OUTLINES

AMONG the colonies founded in North America New France stands unique. The motives for its foundation, the religious halo that hovers over its early years, and the heroism displayed by its first settlers invest it with a glory all its own. Moreover, with the exception of Virginia, the colony established by Champlain appears in history a number of years before any other settlement north of Mexico, and has come to be regarded as the elder sister of the other provinces.

During the first part of the eighteenth century the supremacy of Quebec was recognized over a vast area extending from the Atlantic coast to the head of the Great Lakes. Later on it spread out in a north-westerly direction, until La Vérendrye sighted the Rockies in 1743. The region along the Mississippi and Louisiana also received its first colonists from New France.

The area that covers eight of the nine provinces of modern Canada was mapped out by French discoverers and missionaries. Illinois, Ohio, Indiana, whose barbarous populations bowed—half-heartedly, it is true—to the authority of Louis XIV and his successor, and Louisiana, out of which four states have been carved, were looked upon as parts of New France. On the map were sketched out domains larger than the Roman empire—vast domains vaguely outlined. It was but a dream, a vision, with grandeur in its lines. A man of extraordinary foresight—Jean Talon—had planned out an immense French empire extending from Port Royal to Quebec, and thence to Mexico. But Talon's effort to induce Colbert to lay the foundation of a colony which would

extend 'from the St Lawrence to Florida, New Sweden, New Holland and New England, and beyond the first-named country to Mexico,' proved fruitless. Colbert, almost a genius in the direction of European policy, appears to have been short-sighted in colonial matters. The principle on which he based his policy had come down to him from Henry IV and Richelieu: 'The supremacy of France must be maintained at any price in Europe.' Colonies were but subsidiary assets in the wealth of his royal master, Louis XIV. Perhaps, if destiny or public business had called Colbert to America, his attitude might have been different. Had he been placed like Talon in Quebec, losing sight for the moment of European politics, and viewing North America with its untold possibilities, he might have shared the vast conceptions of the intendant.

Some governors of New France seem to have been impressed by Talon's plan. By degrees, against the king's instructions, but impelled as if by an unknown force, Quebec officials pushed the limits of New France farther and farther westward and southward towards the Gulf of Mexico. By 1754 a line of posts had been established north of the Great Lakes, at Cataraqui (Kingston), Niagara and Detroit, and south, at Fort Duquesne (Pittsburg) and along the Mississippi. Fort Chartres, founded by de Bienville, a French Canadian, continued the zone of French influence towards New Orleans.

There were few people to populate this vast empire at the time when it was outlined by Talon; but his vision has been realized in our own day by British pluck and enterprise. When considered from the standpoint of colonial expansion only, the growth of the country south of Canada has dwarfed the experiment of France in North America almost into insignificance.

When nearly three hundred years ago England and France embarked upon their respective schemes across the Atlantic, the former had scarcely half the population of its rival, so that in this respect the odds were greatly in favour of Louis XIV and his successor. When New France became a British colony, a century and a half later, there

were about sixty-five thousand inhabitants in its territory, while New England and its sister provinces could boast of a population of two millions.

What caused this disproportion in the results of colonization? Rules governing emigration differed widely on the two sides of the English Channel. In Great Britain almost complete liberty existed; in France there were restrictions of all kinds. Again, religious persecutions greatly helped the colonization south of Canada: Puritans and Catholics, seeking liberty of conscience, settled, the former in New England, the latter in Maryland. But in New France ecclesiastical policy retarded colonization. None but Catholics were allowed to settle within its borders, and the door was thus closed to thousands of intelligent French Protestants, who consequently settled in New England and in Virginia. Intolerance in England drove dissenters to America; the same spirit in France excluded them from Canada. But there was one handicap in the colonization of Canada that overshadowed all others. It was a standing policy at Versailles that the prestige of France was to be maintained in Europe by all possible means. To that end an army of two hundred thousand men had to be kept on a war footing. Many other obstacles to colonization were always present. Snowdrifts, and a thermometer below zero for months at a time, had a deterrent effect on many intending emigrants. During seven months of the year winter interrupted practically all communications between Canada and France. This isolation must have preyed dreadfully on the minds of colonists. Montcalm, while spending a winter at Quebec, broke out in distressing sentences, in a letter to his wife in France, over the long delay of news from his home, and his distress was rendered the more acute by the knowledge that a fondly loved daughter was dying.

Moreover, colonization in these remote days was not reduced, as it is under modern methods, to a science with definite and precise rules. In the seventeenth and even in the eighteenth century emigrants were transplanted haphazard to countries newly discovered, the mother country regarding her offspring beyond the sea simply as subjects

to be exploited for the sole benefit of the parent country. This applied even to colonies blessed with a mild climate. As to those northern lands of frost and snowdrifts, their very name carried with them the impression of God-forsaken spots on the earth, of wildernesses fit only for men to whom no other abode was available. When Henry IV sent Champlain to Canada, his brilliant minister, Sully, opposed the undertaking, because 'nothing worth having can be got from those countries in the New World situated beyond latitude 40°.' [1]

To any one who peruses the description of all the hardships and sufferings the first colonists had to bear between 1608 and 1663, it seems almost inconceivable that men could have been found able to endure such miseries, so much bloodshed and ruin. Only strong religious convictions, constantly kept alive by the Jesuit missionaries, many of them foredoomed to martyrdom, saved the colony from discouragement and complete annihilation.

Colonization may be likened to the task of a man who transplants a young tree to another country. The tree requires care and attention; it must be nursed and watched until it is well rooted and strong in its new environment. The French emigrants, during the first period of their plantation in New France, were almost abandoned and left to the tender mercies of ferocious Indians ever ready to pounce on them by day or by night. In their isolation—and this is important—they were kept together by their religious leaders, who instilled into their minds the spirit that had encouraged the Christians of the primitive church to die for their faith. In fact, New France for more than fifty years was a religious colony, or, in a stricter sense, a religious community.

From the foundation of Quebec to the establishment of royal government in 1663 the trading companies, into whose hands New France had practically been delivered, showed the utmost indifference to their trust, and all interests, civil and religious, fell into the hands of the clergy.

One may wonder what there was in Canada to hold

[1] 'Je mets au nombre des choses faites contre mon opinion la petite colonie qui fut envoyée cette année au Canada. Il n'y a aucune richesse à espérer de tous les pays du nouveau monde qui sont au delà du 40e degré de latitude.'

colonists on her blood-stained soil. The Spaniards were attracted to Mexico and Peru by gold and silver. The English sought and found in America religious liberty and better conditions. No similar advantage or attraction existed in New France. There, self-renouncement for a holy cause held sway over the disciples of the Jesuits; and for this reason the first period of colonization in New France has won the name of the heroic age.

During the hundred years following the first period of colonization, which closed in 1663, life in New France assumed a more normal and more satisfactory aspect. New methods of agriculture, better adapted to the North American climate, had been discovered, and at last the habitant could live on the produce of his farm. The Indians were brought under control and finally made peace with the French in 1705. The rule of commercial companies over New France had come to an end, and fully organized civil government had been established. It was with the inception of this new order of things that the one deliberate effort to colonize Canada was attempted. Under pressure from Talon, Louis XIV and Colbert dispatched to Canada a comparatively large number of emigrants. It would have been well for Old France if the peopling of New France had become a policy independent of such spasmodic outbursts of colonizing activity. The zeal of the home government quickly subsided, never effectively to be reasserted. With the declaration of war by Louis XIV on Holland in 1672, the continental policy of France came to the front and the interests of Canada were subordinated to those of the mother country.

Although the prospects of the young colony grew brighter after 1663, the lot of the settlers still left much to be desired. Hostilities with the neighbouring people tested too severely the endurance of the Canadian peasantry. The longest period of continuous peace covered only thirty years. Still, these were the days when the habitant was tempered like steel. These also were the days when missionaries and discoverers vied with each other in pushing French influence farther and farther—the glorious era of Marquette, Jolliet, La Salle, Perrot and La Vérendrye. In their fantastic

odysseys, from Quebec to the head of the Great Lakes, and thence to New Orleans or to the head of the Mississippi, and even to Hudson Bay and as far west as the Rockies, they overran all North America that lay beyond the British colonies. They navigated every river watering those vast regions, and trod every forest. Then also was the heyday of the *coureurs de bois*, fearless adventurers among the Indians, the first to teach them the superiority of the white man and his greed for gain. The journeys of these different classes of men, actuated by divers passions and ambitions, remain shrouded in tradition—picturesque episodes to tempt the pen of imaginative youth in search of material for romance.

Among the settlers of New France the figure of the habitant stands out in bold relief—a man different in some features from his forefathers, but well fitted to carry the heaviest burdens of life ; a man who, in spite of the indifference of the home government, and the oppressions and exactions of a gang of heartless officials, did not, in the last long struggle of the Seven Years' War, waver a single moment in loyalty to his sovereign. During four campaigns every colonist between the ages of sixteen and sixty left his farm willingly to fight for king and country, trusting to his wife and daughters to look after the fields, and giving away, for worthless paper money, his cattle and wheat, without a murmur or a grudge. His hardships and sacrifices were commensurate with the exaggerated requirements of the Quebec authorities. Reviewing the heroic actions of Frenchmen in India and in Canada during that trying period, a celebrated historian could not but express his admiration in this well-deserved encomium : ' Here in India, a few men—Dupleix and some other officers—were great, but in Canada it was a whole people.'

The colonists were of good stock, selected with great care, but the government was not constituted so as to meet the requirements of a new country. The central authority at Quebec, modelled after the style of Versailles, with a governor and an intendant, having in some cases co-ordinate and equal powers, could not be exercised with that



THE HABITANT

From the painting by Macnaughton

harmony so essential to the management of public affairs. Wheels within wheels caused constant friction: conflicts and quarrels between those high officials never ceased. The division of authority between church and state lacked clearness and led to endless misunderstandings.

The modern critic can see clearly what should have been the true policy of France in Canada. She should have directly supervised the development of the new country; she should have made it her business to settle emigrants on farms, and protect them until they could shift for themselves. Instead of performing that task, she entrusted it to companies, who one and all failed to perform their duties and fulfil their promises. The most powerful of those organizations, the One Hundred Associates, to whom New France had practically been ceded, ruled from 1627 to 1663. This association could not—or would not—fulfil the conditions attached to the enormous privileges granted it by Richelieu.

It might be asked here what reason prompted Richelieu to transfer the obligations of France to a trading corporation. It was simply the fear that colonization of a far-away dependency would overburden the motherland. So strong a hold had this erroneous notion taken of the men in power, that it was not destroyed by the failure of the de Monts, Rouen, and Montmorency companies and the One Hundred Associates. When in 1663 a royal government superseded the ineffectual administration that had charge of the country under the One Hundred Associates, New France passed into the hands of the West India Company, though with curtailed privileges compared with those of former companies, and this association was not removed from Canada until 1674.

The habitants have always remained true to their origin, a homogeneous aggregation without alloy. They have hardly undergone any change, marching forward in harmony with racial and religious traditions, in spite of all efforts in the past to merge them into the various English-speaking elements around them. In the United States the fusion of races, without compulsion, has been the order of the day, while in Canada separation has been the rule. The French Canadians have always formed an isolated block in Canada.

This isolation has not been broken with time ; on the contrary, some groups of English settlers, scattered in various places in Quebec, have either disappeared or have been assimilated by the majority.

While racial lines have been kept intact in Canada, and a population similar to its French ancestry continues to live a life peculiar to itself, English colonization in America has resulted in the formation of a new people whose personal characteristics are quite different from those of the Englishman of the Old World. For political reasons it is well to talk of 'kinsmen across the sea.' The nations on the two sides of the Atlantic speak the same language, but in many respects they are a different people.

After the success of the English in 1760 the habitant alone remained on the devastated farms of Canada. The army, the civil servants, the wealthy—or once wealthy—tradesmen, all who could afford to pay their passage, with a few notable exceptions, returned to France. The peasants, rooted to the soil, clung to what was left of their homes. It was the habitant alone who embodied the nationality. Thanks to his sterling character he has safely overcome the obstacles that have been thrown up on every side to check his progress. In almost every walk of life he has held his own with the most absorbing and conquering race of the world. His political leaders have played a distinguished part, side by side with politicians of English, Scottish and Irish descent. Indeed, in many instances, the French Canadian has seemed to understand the workings of constitutional government better than the English-born politician in Canada. Who was the first to ask for responsible ministers, provided with seats in the legislature, as a solution for the existing troubles in 1808 ? Pierre Bédard ! Who petitioned the colonial office to remove the judges and civil servants from both houses in Quebec, to give the voting of supplies to the lower house ? French-Canadian members of parliament ! Finally, when responsible government was nominally granted, in 1840, who made the most determined fight to obtain its reality, and resigned his portfolio rather than submit to the overriding of constitutional usage ? Louis Hippolyte La Fontaine ! Thus the art of

government has been understood and practised by French Canadians as well as by their friends of British origin.

In literature and historical research the French in Canada, by nature inclined to intellectual labour, have produced many writers of high standing: historians of the stamp of Garneau and Ferland, and poets like Frechette, would have won fame even in France, where literary standards are so high that only eminent writers can attract public attention. Music and fine arts in general have votaries in Quebec, in number far above the average of countries of the same population. It may be recalled that Madame Albani, who enjoyed a world-wide reputation as an operatic singer, was born and brought up in the small town of Chambly, near Montreal.

Many French Canadians have also won laurels on the battlefield. During the attack on Quebec, on December 31, 1775, Lieutenant Dambourgès greatly assisted General Carleton in defeating Montgomery. It is almost needless to recall here the name of the hero of Chateauguay, whose victory over Hampton was so complete as to bring the American invasion of 1813 against Montreal to an end. His exploits may be compared with those of d'Iberville, though their influence was more lasting. During the War of 1812 another Canadian, Lieutenant Rolette, whose name is not so familiar as de Salaberry's, greatly distinguished himself in naval warfare on Lakes Erie and Huron, once boarding an American schooner at the head of six men, and capturing her with all the soldiers on board. French Canadians can also claim as one of their own Admiral Bedout. Born in Quebec in 1751, he served in the French navy, and fell fighting bravely for France. Of him Fox said in the House of Commons: 'The Captain of the *Tigre*, fighting for his country's honour, has shown an indifference for death, worthy of Greek or Roman heroes.'

It must be confessed that in commercial and industrial ventures the French Canadians have fallen behind their English-speaking rivals. Are they less gifted with business ability? It is assumed that the French genius is not so practical, so matter-of-fact, as the Anglo-Saxon, and a com-

parison between French and British trade would go far to demonstrate that there is ground for such an opinion. But in the present case there is also another potent factor that has strongly militated against French business success. As already stated, practically all Canadians of means left Canada when the country passed under English rule. As the tide of emigration from England flowed into Quebec and Montreal, capital also poured in from London. Thus at the outset the English obtained a firm and exclusive control of trade. For want of money the helpless French Canadian remained tied to agriculture, and the small country trader depended entirely on the wholesale merchants of Quebec and Montreal for his supply of foreign goods.

For over a hundred years the habitants of Quebec have lived side by side with their English-speaking fellow-citizens. In this long association they have shown a great desire, and have put forth persistent efforts, to make the best of a complicated situation in which race-feeling and religion, always active in every country, have often raised obstacles to a perfect *entente cordiale*. Let the reader but consider the history of Austria, where Magyars and Germans, in contact for ages, have never ceased to be determined foes, or of the everlasting conflict of Poles and Slavs and Germans in Prussia and Russia, and he will admit that in no country of the world have men, so widely separated in race and thought, harmonized so well as in Canada.

After responsible government had placed power in Lower Canada in the hands of the majority, the French Canadians spared no effort to satisfy and please the Protestants in matters affecting their schools. This is well illustrated by the recent settlement of the Jesuits' estates question. That property, confiscated at the outset by the English, was handed over to Lower Canada for educational purposes; on these estates being restored to their original owners, in 1888, the Quebec government gave to the Protestants $246,000 as an indemnity, to which they were in no way entitled. This generous settlement of a vexed question showed how well disposed are the Quebec majority towards their Protestant fellow-citizens. This commendable attitude

has been the rule in all matters pertaining to religious and racial questions; and both in the provincial cabinet and in the Civil Service the English-speaking people have received at least their full share of appointments.

The development of French Canada from a sapling into a substantial tree has been secured by an unbroken faith in ancestral tradition, the loss of which has meant to all nations of the past the loss of life itself. Of course, this lasting element must adapt itself to essential modifications as the people progress; and here we find in action some characteristic qualities of the habitant blended with qualities acquired in intercourse with his English-speaking fellow-citizens. He is quite satisfied to join them in a combined effort for the common welfare of Canada. And more, he is proud to be a citizen of an empire whose watchword is freedom.

At the outset the loyalty of the habitants was severely tested. From 1760 to 1774 they were subjected to serious disabilities, amounting in many cases to persecution. For instance, they were deprived of their laws. When England's own children rose in revolt against her, they invited the French Canadians to join them. The latter, though groaning under severe oppression, after weighing the advantages of either allegiance—modern people are governed to a large extent, like individuals, by their interests as well as by the sense of loyalty—considered that their traditions and patrimony were better safeguarded under the British flag than they would be under the banner of the revolting colonies. It was this that inspired the French-Canadian militia, both during the American Revolution and in 1812-15; and in more recent times the people of Quebec have shown that they hold their nationality as a guiding principle.

Do not the heroic annals of New France and the spirit of loyalty and goodwill evinced since 1763 entitle the Province of Quebec to be considered as one of the pillars of the Canadian Confederation?

A. D. DeCelles

THE HABITANT
HIS ORIGIN AND HISTORY

THE HABITANT
HIS ORIGIN AND HISTORY

I

CHAMPLAIN AND FRENCH COLONIZATION

OF all the colonies planted in the New World during the seventeenth century by several European nations, after years of constant effort and at the price of so much blood, not one remains as an oversea dependency in the hands of its original possessors. Mexico, Peru, Chili, Paraguay and Argentina long ago cast off the Spanish yoke. Portugal, once all-powerful in South America, does not hold a foot of ground in that rich continent. War drove France out of North America, and twenty years later England lost her vast colonies. It is, however, the pride and honour of England still to rule over half the continent of North America—the half that she did not originally colonize.

The colony reared for generations by France has, since the Conquest, remained true to the England that lost her own offspring to the south. For the loyalty of French Canada, Great Britain may thank the statesmen who directed her colonial policy, who kept pace with the development of the country, and led the youthful nation step by step through the first stages of political life, and finally crowned it with a full measure of political liberty. The king's French subjects became to all intents and purposes British subjects, and as such entitled to share all rights attached to that status. And was there not a substantial reason for the confidence implied in the grant of enlarged institutions? Did not the French colonists contribute largely to repel from Canada in 1775 and in 1812 Great Britain's own estranged children, and thereby to the maintenance of the supremacy

of the British flag in the country ? It must always be remembered that during the first Anglo-American war the English population of Canada amounted only to a few hundred persons, excepting the troops.

To follow the development of the small colony planted in North America by Frenchmen three hundred years ago, to study the transformation of those early settlers into French Canadians—in a word, to examine the history of the habitant,[1] will be our object in the following pages.

The De Monts Company (founded in 1603) did one commendable act. It was instrumental in bringing Champlain to Canada. This great man, the founder of New France, had visited the country in 1603 and knew its possibilities better than any other Frenchman. In 1608 he was sent to lay the foundation of a settlement at Quebec. At the foot of the cliff destined to become famous in history he built his *Abitation* and there spent the winter.

To bring men from France and to have them cultivate the land were his main objects. But his plan of colonization met with obstacles on all sides, and it was only in 1617 that he secured a few real colonists. History remembers the name of Louis Hébert as *le premier colon canadien*. Champlain had met Hébert at Port Royal, and discovering in him a man to his liking granted him a patch of land where the Quebec upper town now stands. On that famous spot the first attempt at tilling the soil was made, and it proved satisfactory.

Among the early emigrants to Quebec we find several Capuchin monks, Récollets, and several daring adventurers, whose vocation required both intelligence and courage. The companies and traders used the adventurers as interpreters in their dealings with the aborigines. To prepare themselves for this special work it was their custom to settle in some Indian village and learn the idiom of the tribe. Most of them, after

[1] The question has often been asked : why are French Canadians called habitants ? Under the French régime there were three classes of people—the *habitants*, who came to settle permanently on farms ; the *engagés* (indentured servants, as they were called in Virginia), who sold their services for a number of years and often became habitants ; and the *hivernants* (' winterers '), who came to trade in Canada during the winter.

years of hard toil and risks of all kinds, became settlers and heads of families. The names of these early comers have come down to their descendants—Marguerie, Jacques Hertel, Marsolet, Brulé, Godefroy and Jean Nicolet. The last of these as an explorer stood head and shoulders above his associates. He discovered Lake Michigan and penetrated west as far as Wisconsin. Guillaume Couillard also arrived early in the colony (1613). Having married a daughter of Louis Hébert, he settled on a farm near Quebec, and is supposed to have been the first to turn the Canadian soil with a plough. Many of Couillard's descendants are still to be found in the Province of Quebec. Father Le Clercq, in his book *L'Établissement de la Foi dans la Nouvelle France* (1687), says that in his day Hébert's posterity had increased so much that it numbered over two hundred and fifty members and that more than nine hundred persons were related to the Couillard-Hébert couple. Couillard, like his father-in-law, became a model colonist, engaged altogether in farm labour.

About the same time Abraham Martin settled not far from the *Abitation*. At a later date he received, from the One Hundred Associates, a grant of land close to Quebec, the famous Plains of Abraham where Wolfe and Montcalm found death and immortality. The land he tilled is now dedicated to memorial purposes under the name of the 'Park of the Battle Fields.'

Many of Champlain's companions were attracted to Canada by the fur trade—the fur trade that was to be the bane of New France—and neglected the true labour of colonization. Not so with Hébert, who devoted all his time to farm work. His industry was greatly appreciated by Champlain, who says: 'He was the first head of a family residing about Quebec who got his living from the ground he cultivated.' Several French Canadians of to-day can prove their claim to relationship with this remarkable colonist, whose example should have been followed by every settler. He had no male issue save one son, who died young, but he was the father of several daughters.

Champlain's associates were nearly all picked men, but their number amounted only to a corporal's guard.

What could the efforts of one individual with such scanty help achieve in the gigantic undertaking of colonizing a new country? His struggle was a desperate one; only dauntless courage enabled him to surmount the obstacles that confronted him in his venture.

Unmindful of their obligations, the Rouen Company, formed by Champlain in 1614, failed to send colonists to Quebec. Champlain had soon found out the reason for this violation of their contract. 'I saw,' he wrote, 'that what they chiefly feared was that if the country were colonized, the power to do everything to their liking would be lessened. They would get furs only through the settlers, and would finally be driven out of New France by the very men established there at great expense by the company.'

Champlain's zeal for colonization greatly irritated the traders from St Malo and Rouen, for it constantly endangered their schemes. It therefore seemed imperative, in the interests of the company, to have him removed from Quebec. With that object in view they suggested to Richelieu that this assiduous guardian of New France should be sent somewhere else on explorations and discoveries.

The suggestion failed, and Champlain's influence at home was such that he persuaded Richelieu to supersede the Rouen Company by a new one, that of Montmorency. Two well-known Huguenot merchants, Guillaume and Emery de Caen, were placed in charge. But time soon proved that this was a change without an improvement. The sole object of the de Caen appeared to be to derive profit for themselves and their friends through the fur trade. Not only were they both indifferent to the settlement of New France, but to favour his own interests Emery even placed obstacles in the way of colonization. Hearing that Father Noyrot was about to sail from France in 1627 with supplies for the colony, he managed, under some pretext, to prevent his departure. This untoward interference cast a gloom on Quebec, where a great scarcity of provisions existed, and Father Lalemant, in a fit of despair, left for France with twenty working-men whom he had just brought over to Canada. There were then fifty Frenchmen in Quebec on the brink of starvation, and

the newcomers, had they remained in Quebec, would have aggravated the situation.

Seeing that matters were going from bad to worse in Canada, Richelieu made up his mind to organize a company strong enough to realize the object he had in view, and composed of men who would keep clear of the mistakes that had wrecked previous colonization societies. In 1627 he gave life to *La Compagnie des Cent Associés* or *La Compagnie de la Nouvelle France.*

The new company was fully organized in 1628, and soon began to carry out the cardinal's desires: an expedition composed of seven ships, commanded by de Roquemont, one of the Associates, with two hundred emigrants on board, sailed for Canada. At last it seemed that Champlain's dream was to become a reality; but again all his hopes were dashed to pieces in such a manner that a less resolute man would have been cast into hopeless despair.

Religious disturbances between Catholics and Huguenots broke out in France simultaneously with a declaration of war between that country and England. De Roquemont's ships were captured by Kirke in the St Lawrence; Quebec fell into the hands of the English in 1629, and Champlain was taken to England. Although peace was signed between France and England in the same year, Quebec was not restored to its former masters till 1632.

In spite of all these adverse circumstances Champlain had never desponded, and continued to hope for better days. While in England he had worked to hasten the return of Quebec to France, and when success had crowned his efforts he went to France to arouse fresh interest in the oversea colony, which had been given up by many as irretrievably lost. It was through his pertinacity and courage that the government and the One Hundred Associates decided to resume their work in North America.[1]

In 1633 Champlain returned to Canada with some colonists. He landed at the foot of Cape Diamond only to

[1] The capture of the ships of the One Hundred Associates had left the company almost completely without financial resources. Its capital at the start was only 300,000 livres.

find his *Abitation* and other houses and stores a mass of ruins. Most of the settlers, priests and officers of the company had been deported to France. A few friends of Champlain had, however, remained in Quebec, in spite of the change of régime. They were landowners anxious to secure to themselves the fields brought under cultivation after strenuous efforts. Such were Hébert, Couillard, Martin, Desportes, Pivert, Duchesne (a surgeon), Pont-Gravé, and several interpreters, three of whom, among them Brulé, had decided to cast in their lot with the victors. They begged for forgiveness, and the governor of New France, as kindly inclined as he was great, took them back into his service.

In the fall of 1635 Champlain's health suddenly broke down under the terrible strain to which he had been subjected since his youth. War, many voyages across the ocean, —which in those days meant months of anxiety and sufferings—and explorations far and wide, had worn out his robust constitution, and on December 25, 1635, he passed away in his fifty-eighth year. His simple honesty of purpose and sincerity gained for France the friendship and alliance of many Indian tribes in Canada, and it was Champlain's policy with regard to the aborigines that prevailed during the French régime. Posterity both in North America and in Europe has bowed before his noble figure. It is astonishing, says a French historian, that Voltaire, who professed much admiration for William Penn, has not bestowed a single word of praise on Champlain, a man of vaster mind in every way than the Quaker apostle.

The first attempt to colonize New France had resulted in a discouraging failure, due to events over which Champlain had no control. Shortly after his death the population of New France amounted only to eighty-five souls—twenty-three settlers or habitants, eleven interpreters, fourteen clerks connected with the company, ten priests, seven traders and twenty trappers. Still, Champlain's initial step in colonization constituted a sort of foothold for France in America. But for his perseverance New France would probably have been abandoned. His efforts, though thwarted by men and events, have won for him the title of Father of New France.





COLONIZATION

(1) CHAMPLAIN ON THE GEORGIAN BAY, 1615

From the painting by Humme

II

FIRST PERIOD OF COLONIZATION, 1608-65

COLONIZATION, which has been reduced to a science in modern times, requires three factors to be successful. The people who wish to extend their domain in unsettled countries must have great financial resources, a peaceful native population as co-operators, and settlers endowed with great individuality.

It will be seen hereafter that the One Hundred Associates had not these requirements. The company had been organized before the surrender of Quebec and its prospects were at first very promising. Richelieu displayed all his skill in framing for it a charter that to this day is looked upon as magnificent in its conception. His plan was far-reaching. When engaged in arranging its details, he was not unmindful of the causes of failure under previous organizations. It sometimes happens that men succeed in turning to good account constitutions and charters that are in themselves inadequate. In other instances conceptions are too vast for the abilities of the agents appointed to set them in motion: such was the case with the One Hundred Associates.

Richelieu had carefully selected his partners in this great commercial enterprise, wherein he appears in the foremost rank with another minister. Some hailed from Paris; others from Lyons and Bordeaux; others again from Rouen and St Malo; every province of France was represented in his association. Special attention was bestowed on the importance of having men from the interior, where New France was but a name. As to the provinces bordering on the Channel, fishermen from every one of their seaports knew the route to Canada, but Richelieu did not consider them as the best stock out of which to make colonists. Peasants from Le Perche, Aunis and Saintonge appeared better suited to be the future farmers of New France.

The One Hundred Associates were treated with the utmost generosity. The charter gave them all the territory worth

occupying in Canada, from Labrador to Florida and from the Atlantic shore to Lake Huron—*la mer douce* (the fresh-water sea of Champlain). This extensive possession was to go to their heirs at law for ever. The charter lavished extraordinary privileges on the Associates, and practically constituted them the sovereign power of Canada, with the full administration of justice and seigneurial rights ; it even conferred on them the royal prerogative of creating dukes, earls and barons with suitable estates.

It is interesting to read this charter, bearing as it does the imprint of Richelieu's masterly mind. ' It was Louis XIII's object, and that of his father, Henry IV,' the great minister says, ' to civilize, with the divine assistance, the people, inhabitants of Canada, and to educate them to know the Catholic faith and religion and the true God. To reach this end, it was necessary to settle the country with French Catholics who, by their example, would induce the aborigines to accept the true God and the Catholic faith.' As a conclusion to this worthy design comes a brief note that some commercial benefit might be derived for the king's subjects.

All through the French régime special attention was bestowed on the aborigines. This was in striking contrast to the policy pursued in other colonies. An instance of this Christian, or humanitarian, feeling appears in the charter. If any redskin, for instance, desired to live in France, he was to be considered a Frenchman, without any letter of naturalization, though he must of course have been converted to Catholicism to enjoy this privilege.

Royal power seldom appears without military force, and two men-of-war, armed and manned, were placed at the disposal of the Associates. As a natural sequence to this extraordinary gift, they were given full power to manufacture powder and cannon and to build forts in New France.

The Associates were under the obligation to send four thousand men to Canada within fifteen years. As the newcomers would be helpless at first in the wilds of America, Richelieu made it one of the conditions of the grant that the colonists were to be housed and provided for during three

years at the company's expense, and supplied with all necessaries of life required in a new settlement—*avec toutes les choses généralement quelconques*. With a view to inducing noblemen to join him in his great undertaking, the minister prevailed upon the king to put aside the law that if a count or a marquis of France took part in commercial ventures, he would forfeit his social rank. An exception to this rule was made in favour of noblemen entering the company.

Keeping in view the king's first object in settling a colony in America, Richelieu bound the company to maintain three priests at each post to be established. As the introduction of French Protestants in New France would conflict with the king's intention, the Huguenots were strictly excluded from colonial emigration. This restriction remained an established policy throughout the French régime.

Modern historians have characterized this line of conduct as inspired by bigotry. At any rate, they claim, it proved doubly detrimental to French interests. While it deprived the colony of energetic and intelligent settlers, it benefited New England and Virginia, who found in the French Protestants excluded from Canada men of great ability in every walk of life. This is certainly true ; but the other side of the question must also be considered. During the régime of the last Valois—Henry II, Francis II, Charles IX and Henry III—religious wars broke out in France and were waged furiously between Catholics and Protestants. Henry IV established peace for a time by the promulgation of the Edict of Nantes in 1598, but, under his successor, Louis XIII, the Huguenots again rose in rebellion in the west and south-west of France, to be crushed at La Rochelle after a memorable siege conducted in person by Richelieu. The cardinal, who had ample occasion to realize the dire results of religious strife, was determined to prevent it by excluding one party from the new colony.

Was Richelieu influenced in this matter by his position as Prince of the Church ? It is not unnatural to presume that his faith and surroundings strongly inclined him to stem the tide of what he believed to be heresy. Still, there is little doubt that throughout his career as prime minister the

statesman in him overrode the priest. Did he hesitate for a minute to form an alliance with German Protestants against a Catholic sovereign, the Emperor Ferdinand of Austria? To the greatness of France he gave all his energies. He was a thorough Catholic in his own country because it suited his policy; in external affairs the interests of the state took precedence over all others.

It is most unfair, on the other hand, for modern historians to judge the policy of the past from the standpoint of the present. Prevailing ideas in the seventeenth century, not only in France, but over all Europe, excluded toleration in matters of conscience. It was a political gospel that the state, in order to be strong and to utilize all its elements of strength, should have under its control a people united in the same faith and under one ruler. A very serious consideration must have impressed Richelieu at this moment. When preparing his charter, was he not engaged at La Rochelle in a terrible struggle with his Protestant countrymen, supported by the soldiers of Charles I of England? Later on, could he lose sight of the fact that Kirke and a strong contingent of Huguenots were sailing up the St Lawrence to crush his nascent colony? These events must have strongly influenced the great minister when he was laying down the basis of New France and looking into its future. What absolves Richelieu from the charge of religious prejudice, in any blamable degree, is the fact that with his sanction Huguenot merchants had formed part, in large numbers, of the previous company. Emery and Guillaume de Caen, managers of the Montmorency Company, were French Protestants.

By their charter the One Hundred Associates became practically masters of New France. With their rule began the first period of colonization. Their ownership covered the soil, mines, forests and trade, and they had power to dispose of any part of these enormous resources. Even the government was left in their hands. If they did not actually appoint colonial public officers, their nominees were accepted by the king. How this apparently powerful organization ended in failure after an experience extending over a quarter of a century we shall now see.

It will be remembered that before Champlain surrendered Quebec to Kirke, several ships sent by the One Hundred Associates to Canada, with a number of emigrants, had been captured by the English. When Canada was restored to France, ships were again sent to Quebec. The expenditure entailed by these expeditions almost drained their treasury. As has been said, their capital did not exceed 300,000 livres, a small sum when the magnitude of the undertaking is considered. The company was therefore almost crippled at the very start for want of means to carry out the work of colonization as planned by Richelieu. In this predicament they adopted a plan which went some way towards making up for their failure. They decided to constitute seigniories in favour of certain individuals, who should, in return for this favour, give farms to emigrants desirous of making their home in Canada.

The first grant went to Robert Giffard. His seigniory extended from the River Montmorency to Beauport, with a frontage of four miles on the St Lawrence. Giffard lived up to the condition of his grant. By his invitation fifty men, all hardy peasants from Le Perche, came to Canada to settle permanently. One can only regret that more seigneurs of Giffard's character could not have been found to share with him the task of building up the country.

The next grant went to Cheffaut de la Regnardière, a lawyer, and proved equally beneficial. This concession, known as the seigniory of Beaupré, was as large as a province of France and extended from the River Montmorency to the Rivière du Gouffre. Among the men who took up farms on Cheffaut's domain, history has retained the names of Le Gardeur de Repentigny and Leneuf de la Potherie. With their families they formed a party of forty settlers. Some friends had also arrived with them. Taken altogether, this was by far the largest contingent of settlers yet seen in Canada.

Other emigrants, scions of noble families, were favoured in a like manner. The region of the Rivière Bruyante was granted to Simon le Maistre ; the seigniory of Cap Rouge to Juchereau des Chatellets. Bourdon, Jean Godefroy, Castillon and Girard de la Chaussée also received large grants.

Several religious orders had their share in this land distribution, among them the Ursulines and Hospitallers and the Jesuits, all of Quebec. The Sulpicians became seigneurs of the Island of Montreal.

In 1635 hostilities broke out in Europe between France on the one side and Spain and Austria on the other. It had been the policy of Henry IV to prevent the House of Austria from gaining the hegemony of Europe, and this policy Richelieu determined to maintain. This war diverted attention from New France. What was the destiny of Canada in comparison with the paramount importance of France in Europe! Canada's interests suffered in this complicated situation, and they were to be again jeopardized in the future under similar circumstances. But although the struggle in Europe reacted injuriously on Canada, still colonization made some headway. About 1641 three hundred emigrants had settled in various places. But a calamity greater than the inaction of Richelieu befell New France about this time. The Iroquois, who had recently been supplied with firearms by Dutch traders, began to use their new weapons against the French. Then followed a fearful series of encounters between white men and redskins that came to an end only when Tracy, in 1667, marched against the barbarians with some twelve hundred men. Had a substantial force been sent from France about 1641, the colony would have been spared the atrocities of twenty-five years of savage warfare.

With the mother country facing half Europe on many battlefields, colonization in Canada would have remained at a standstill had it not been for the Jesuits. From the time of their arrival at Quebec in June 1625 this order had sent, year after year, reports to their superior relating their work in America. In these papers New France was painted as a privileged country—a sort of promised land—where men desirous of promoting the interests of religion and of avoiding the corruption of the world might take refuge. Printed copies of these reports—called *Relations*—were circulated in France and attracted much attention. Some religiously inclined persons became so much impressed by them that they resolved to take part in the holy undertakings so highly

praised by the Jesuits. Among these was Le Royer de la Dauversière who, with the help of a few friends, organized a company for the purpose of founding a settlement in Canada. No worldly ambitions spurred these latter-day crusaders. In the statutes of the *Société de Montreal*—their company—it is distinctly stated that no profits were expected or were to be derived from the undertaking. They were fortunate enough to find a man endowed with the qualifications necessary for leadership in their undertaking—Paul de Chomedy de Maisonneuve. The promoters never had reason to regret their choice. As a Christian and a pious enthusiast, no one could have surpassed de Maisonneuve in self-denial and devotion to his cause.

Maisonneuve arrived in 1642 at the site of the future city of Montreal, accompanied by a small band of men of deep religious convictions. On his way he had stopped at Quebec, and here the terrible dangers that loomed up before him were depicted in dark colours. 'Remain near Quebec,' he was told, 'and land will be given you. The risks are too great on the Island of Montreal with Iroquois warriors to crush you out of existence.'

But nothing could induce him to accept this enticing offer.[1] He was bent on establishing a new settlement away from Quebec, and trusted in God to help him to perform the task. He therefore proceeded to the Island of Montreal and laid the foundation of a new town on the slope of Mount Royal.[2]

[1] 'On arriving at Quebec in 1641 the colonists were solicited not to proceed higher up the river. The colony had only two or three hundred persons, and would profit much by this reinforcement. They were offered the Island of Orleans for their establishment, and efforts were made to intimidate them by accounts of the Iroquois, who overran the country and were still about the Island of Montreal. Maisonneuve replied: "I have not come to deliberate, but to execute: if there were as many Iroquois at Montreal as trees, it is my duty and a matter of honour to go there and establish a colony." He went without delay. Jeanne Mance remained to spend the winter in Quebec. Attempts were made to detain her, but she, far from being deterred from going to Montreal, even gained over Madame de la Peltrie, who had a taste for new establishments. Madame de la Peltrie, when at Montreal, proposed to go among the Hurons, but the priest Vimont dissuaded her. Eventually she returned to Quebec, and there passed the rest of her life. She stayed eighteen months at Montreal till the year 1643.'—*Histoire des Ursulines de Québec*, vol. i. p. 76.

[2] See section 1, p. 413.

De Maisonneuve's designs had taken the Iroquois by surprise. They were not aware till 1643 that a new French settlement had been planted on the Island of Montreal. The presence of the French in that part of the country enraged them, as it jeopardized their interests. Would they tolerate the settling of their foe between themselves and their hunting ground in the vicinity of Three Rivers, where the fur-bearing animals were to be found most abundantly? Ville-Marie would stand in the way, and therefore it must be wiped out. Such was the *raison d'être* of their unrelenting attacks on Maisonneuve's colony from 1643 to 1653. The view they took of the situation constitutes a remarkable instance of Iroquois foresight, by far the keenest in the Indian world. Always on the alert, Maisonneuve and his right-hand man, Lambert Closse, had, with their companions, to meet the most insidious of enemies, full of ruses and ever ready to run when hard pressed. They had to rack their brains to find devices to check the Iroquois; and at last they hit upon the ingenious idea of training dogs to detect a foe that crept through bushes, whose noiseless approach, resembling that of the snake in the grass, was so difficult to discover. Indians were known to have remained over two days, motionless, crouched behind a tree waiting for their victim. Thanks to the marvellous scent of the dogs, the presence of the 'scalp-hunter' was more easily detected.[1]

In spite of the courage and deeds of valour of the settlers, their position in Montreal threatened to become untenable. Leaving Lambert Closse in charge of Montreal, Maisonneuve sailed for France to impress on the court the absolute necessity of sending soldiers to Canada. He returned to Montreal in 1653 with a hundred men. These were drilled with the colonists already established, and a militia company under the name of *Milice de la Sainte Famille*, a designation well illustrating the character of the colony, was formed. Many years later, when Montreal had grown strong enough to repulse their attacks, the Iroquois rushed madly upon the smaller settlements, and in 1689 contrived to vent their fury, in

[1] On the base of the Maisonneuve monument, Place d'Armes, Montreal, stands the figure of one of these famous dogs, with the effigy of Lambert Closse near by.

horrible scenes of bloodshed, on Lachine and all isolated farms about the Island of Montreal.

At Three Rivers the situation was, if possible, still worse. Founded in 1634, this trading-post did not make much headway. Colonization fared no better here than elsewhere in Canada. After many fights the Iroquois nearly succeeded, in 1653, in annihilating its small band of soldiers headed by Governor Du Plessis-Bochard, who lost his life in the fray.

The Jesuit *Relations* admirably reveal the hardships, perils and courage of the colonists. Young Couture, travelling with Father Jogues, fell into the hands of an Iroquois band. Thanks to his vigour and agility he managed to escape. He was not far away, however, when, suddenly stricken with remorse for having left his companion in bondage, he retraced his steps and charged the enemy. Taken prisoner again, he was tortured with Father Jogues, but was not put to death.

Still more striking is the conduct of François Hertel. He writes to his spiritual adviser from a Mohawk village to beg pardon for having been taken prisoner alive. His reasoning sounds strange to modern ears: 'The reason why I did not fight until I was killed is that I feared I was not in a perfect state of grace.' Then Hertel begs his friend to bless the hand holding the pen, a hand which had one of its fingers burned in a pipe, 'as an atonement to the God I have offended.'

Montreal, the outpost of civilization, was most exposed to the enemy. From Maisonneuve down to the humblest inhabitant, religious fervour transformed all these pioneers of New France into heroes. Scorning death, they charged almost daily against the bands of Indians prowling around their poor stockade. Maisonneuve and Lambert Closse performed marvellous deeds of bravery in every fight. All their companions were cast in the mould of Adam Daulac or Dollard des Ormeaux, who, with sixteen of his comrades and a few friendly Indians at Long Sault on the Ottawa, held off over five hundred Iroquois for five days. He met death with all his companions, but his resistance discouraged the Indians, who, measuring the valour of the Montreal garrison by Dollard's, gave up their intended attack on Ville-Marie.

According to the *Relations des Jésuites* these first Canadians could be likened to the community of Christians in the early church days. A most fraternal sentiment pervaded all the settlements. Help was gladly given to the sick and to captives, and during the enforced absence or disability of some colonists their farms were taken care of by friendly neighbours.

During the first period of colonial life every colonist was carefully selected. Religious persons investigated the conduct of emigrants before they departed for Quebec, and if a black sheep escaped the moral ordeal, and made his way to Canada, he was sent back to France as soon as his character was discovered.

Boucher[1] states that bad men were too much in the light to escape detection. Colonists had to be virtuous—such was the prevailing idea among the patrons of New France, and from this stern prescription they did not swerve under any circumstances. A nobleman was ordered back to La Rochelle for being too attentive to a squaw. When the time arrived to import girls to Canada to provide the settlers with wives, a most rigid attention was paid to their choice. Two women of bad repute were returned as 'undesirables' almost as soon as they landed at Quebec. One Courville, a *roturier*, was warned to put an end to his attentions to Mademoiselle d'Auteuil, and upon his refusal to comply with this advice was confined in gaol, pending his deportation to France.

Such is the picture of Canadian society drawn by the Jesuits in their letters to their superior at Rome. The material side of life was not overlooked in these *Relations*. Father le Jeune endeavoured in several of them to dispel all the false notions scattered broadcast in France with regard to the colony. Almost every letter from the Jesuits was printed and circulated in the French provinces. The enthusiastic description of Canada given in them attracted many immigrants to Quebec and Montreal, and did more to promote colonization than either the efforts of the government or of the One Hundred Associates.

[1] Governor of Three Rivers and author of *L'Histoire véritable et naturelle des mœurs et productions du pays de la Nouvelle-France*, 1664.

Fifty-five years after the foundation of Quebec, New France was still in its cradle. The population, all numbered, did not amount to more than 2500 souls. Richelieu's well-devised plan had proved abortive in the hands of his favourite company, either through indifference or want of means to comply with the terms of their charter. After thirty years the Associates had failed to bring over the 4000 emigrants they had agreed to transport to Quebec in half that time, and Louis XIV became convinced that they had outlived their usefulness. It was therefore resolved in 1663 to cancel their charter. With the dissolution of the One Hundred Associates ended the first period of colonization.

In what part of Canada were these 2500 colonists established? They had been located in three different groups —near Quebec, Three Rivers and Montreal. Quebec at that period appeared to the greatest advantage. Champlain's settlement could boast of a few public buildings on Cape Diamond, with houses and stores on the shore below. Eight hundred Frenchmen had made their home in the town. From Cap Tourmente, twenty-one miles below Quebec, the seigniories of Beaupré, Beauport and Island of Orleans were then pretty well settled with a population of 130, 180 and 450 souls respectively. Ascending the St Lawrence, we find the Three Rivers group subdivided into two sections and separated by the River St Maurice; their combined population numbered about 400. Ninety miles farther west, Ville-Marie, the most recently established settlement, could only count 500 souls. A year after Maisonneuve's arrival there were in Ville-Marie only fifty-nine colonists. A certain number of soldiers, who had been sent later on, helped to increase the population by becoming permanent settlers.

From time to time, as the number of men grew larger, contingents of girls were sent from France to provide wives for the settlers. The courtship did not last long: a few weeks after having set foot on the Canadian soil they found themselves installed in the homes of stalwart husbands. The king of France, the governor and religious authorities favoured early marriages. Young men wedded girls of sixteen, fifteen, and even occasionally of twelve years of age.

This rule contributed to keep colonial morals at a high standard.

It will not be superfluous to quote Abbé Ferland in full on this point.

> In order to strengthen the evidence furnished by contemporaries as to the morals of our ancestors, we shall produce an authorized statement. We mean the records of births and marriages wherein nearly all christenings of the Quebec government were registered, up to 1672. Out of six hundred and sixty-four children who were baptized, between 1621 and 1661 inclusive, only one illegitimate child is mentioned. It is important to observe that, during all that period, nearly all the children were brought to Quebec to be christened. From 1661 to 1690, only one child is noted as being born of unknown parents, so that during the space of sixty-nine years, amidst a population comprising soldiers, mariners, travellers, new colonists, two children only were born out of lawful wedlock.

These figures furnish an eloquent refutation of the slanders of men of the type of La Hontan.

Though the early efforts to colonize Canada gave but poor results as regards the number of settlers, we cannot but look with admiration on those pioneers of New France who, at the risk of their lives, paved the way for the success of future generations. Any man in Quebec coming from that stock of hardy and highly moral pioneers can claim a hero as his ancestor. The first period of colonization may well be called the age of chivalry of New France.

III

SECOND PERIOD OF COLONIZATION, 1665-72

WE have seen in the preceding chapter the hard conditions under which New France was opened to civilization. Before the settlers stretched boundless forests to be cleared, and it was their task to adapt home methods to colonial conditions; and what added to

their misery more than all else was the having to guide the plough in a soil red with the blood of many of their friends.

Everything seemed to conspire against the very existence of New France. The One Hundred Associates had shown themselves incompetent to fulfil the requirements of their undertaking, while France shut its ears to pressing appeals for help coming from Quebec. These appeals should have been heeded, for from 1641 to 1665, and especially under six governors, viz. Montmagny, d'Ailleboust, Lauzon, d'Argenson, d'Avaugour and de Mézy, the Iroquois perpetually harassed the young colony. How could it be expected to thrive when the settler could not venture into his fields without his musket? Iroquois warriors even entered the palisade of Montreal, and crouching within the convent yard awaited darkness to scalp any one happening to leave the building.

Champlain's foundation was threatened on all sides; it seemed but a question of time before it must be swept out of existence. Nothing could redeem Canada save the presence of another such man as Champlain. That man appeared in the person of Jean Talon, who landed at Quebec in 1665, with Lieutenant-General de Tracy and Governor Courcelle. Talon was invested with the extensive power of intendant. Police, justice and finance came under his control. With him began the second and most important period of colonization, lasting from 1665 to 1672. The increase of population under Talon, by far the largest of the French régime, was such that it placed the colony on a sound basis with sufficient means of existence.

Talon extended his untiring activity to every need of the country. It struck him at once, as it did Tracy and Courcelle, that the first condition required to ensure the progress of the country was protection from further inroads by the Iroquois. These three officers therefore resolved to bring the Iroquois to terms. Here Talon was the inspiration of the triumvirate, but the belligerent part of the colonial policy fell into the hands of Tracy and Courcelle, who invaded the Iroquois cantons and compelled them to sue for peace.

By the subsequent treaty peace was secured in Canada for sixteen years.

Talon then directed his attention to the internal affairs of the colony and achieved remarkable success. He had a clear vision of its possibilities if Louis XIV could only be persuaded to send out emigrants. Louis had but lately come to his majority, although some time previously he had taken the helm with a decidedly firm hand, and Talon's telling description of a future great domain in America fascinated him. Colbert shared the king's enthusiasm, and both resolved to follow the advice of the intendant. In 1659 and the following year some emigrants had been dispatched to Canada at Bishop Laval's pressing request, and in 1665 it was resolved to send three hundred settlers each year. Unfortunately, the long journey, lasting as it did over two months, in closely packed ships induced sickness and mortality, and nearly one quarter of these prospective settlers died before they reached New France. Still, within a few years over eight hundred emigrants had arrived in Canada. Talon, however, was not satisfied. To supply, in a measure, the deficiency, he persuaded the king and his minister to allow such soldiers from the Carignan-Salières regiment as were willing to remain in Canada to become settlers. This famous corps had come over with Tracy to fight the Iroquois. Peace had been restored and the regiment ordered back to France; but Talon's scheme found favour, and over a thousand soldiers became heads of flourishing Canadian families.

The policy of Louis XIV, so far as it went, was very advantageous to the colony, for it initiated and assisted the immigration movement. The first four hundred settlers on the farms received each one hundred francs, provisions for a year, clothing and agricultural implements; and later settlers were as liberally treated. Some were even given farms ready for the plough, while other colonists were paid for two years while they cleared their land, and were entitled to seeds for sowing two acres—a gratuity equivalent to forty francs per acre. To turn unbroken forests into farm-land proved very arduous labour. A settler could not clear

more than an acre and a half a year. In a letter to her son, Marie de l'Incarnation describes the problem with which the habitants were at first confronted :

> Two or three years elapsed before a settler could derive his sustenance from his farm. Even then he could not yet provide out of his labour clothing, furniture and the many small articles required in a house. These first difficulties being overcome, he began to live comfortably, and if he knew how to lay something aside he became in time as rich as is possible in a new country like this. At the beginnings of colonization, the settlers lived on the grain they raised, with vegetables and game, which was plentiful in winter.

The stringent rules governing the choice of colonists during the first period of colonization of New France were somewhat relaxed under Courcelle and Talon. As subsequent experience has shown, emigrants guilty of petty offences, very often committed under the impulse of poverty, improved their moral character living in a new country under better conditions. Still, the behaviour of emigrants was always more or less watched in New France. Bishop Laval and his immediate successor, Bishop de Saint-Vallier, guarded their flock with untiring care and zeal, and strove to eliminate all evil influences. Even in Quebec official society there is evidence to show that the head of the church tried to rule according to the dictates of his conscience.

Talon wrote to Versailles to caution Colbert against sending any one who was not of good morals and physically qualified to bear the rigour of the Canadian climate. Immigrants were also to be good-looking. In 1667 the West India Company tried to ship old men and children ; and upon a protest from the intendant against this practice, orders were given that no one under sixteen or over forty should be sent as an emigrant to Canada.

About this time Talon put into action a well-devised plan to improve conditions in Canada and open new fields to colonial enterprise. In 1666 he induced some of the colonists to build ships. In 1670 three vessels were placed on

the stocks and completed in the fall of that year. They were intended to establish trade relations between Canada and the French West Indies. Accordingly they sailed to these islands loaded with salmon, eels, fish-oil, timber and flour. After delivering their cargo they were to take sugar on board for France, and to return from La Rochelle to Canada with goods required in the colony. The first vessels built at Quebec averaged thirty-six and fifty tons in carrying capacity; later the tonnage was increased to two hundred and even to five hundred. The foresight of Talon also directed the attention of Canadian settlers to the St Lawrence and Gulf fishing grounds. Progress here was very limited owing to the want of capital and also to the greater attraction of the fur trade.

Tanneries were established at Talon's suggestion in Quebec and Montreal. Until a few years ago two villages close to Quebec, respectively known as Tanneries des Belair and Tanneries des Rolland, bore evidence of the provident genius of the intendant, who was responsible for the opening up of the industry in this quarter. He introduced and encouraged the cultivation of hemp and flax, and this proved very beneficial to farmers. For years after his time, and almost to the present day—that is until more delicate fabrics were demanded—coarse linen goods were manufactured in Canada for home requirements. To provide a substitute for wine, difficult to be obtained in Canada, Talon himself set up a brewery in Quebec, and even undertook to export beer to the West Indies. His ever-busy mind did not leave untouched a single project that could benefit the colony. Backed by Colbert, he played the part almost of a dictator. He went the length of dividing all lands not already granted into seigniories, without even consulting the Sovereign Council or Courcelle, with whom he could not agree. Louis XIV, who placed the utmost confidence in Talon, upheld his high-handed actions, being convinced of his superiority over all other colonial officials. These seigniories were given chiefly to officers of the Carignan-Salières regiment, whose descendants in some cases hold them to this day. To afford the colonists better protection against

further Indian attacks, Talon was instructed by the king to place his settlements within easy reach of each other. Accordingly, three new small groups of farms were planted on the plateau that slopes down from modern Charlesbourg to Quebec. They were called Bourg-Royal, Bourg-la-reine and Bourg-Talon. A few other settlements were planted elsewhere after the same plan.

L'Ile Perrot, not far from Montreal, was given to Perrot, governor of Montreal; and La Valterie to an officer bearing that name. Boucher received a large tract of land on the south shore, not far from Montreal. Varennes, Chambly, Jarret de Verchères, Contrecœur, Saint Ours, Sorel, all officers like La Valterie, became landlords on concessions named after them. Along Lake St Peter, on the left side, Pierre and Jean-Baptiste Legardeur and Pierre Boucher became seigneurs of Maskinonge and Grosbois. On the right shore large estates were cut out at Lassaudière and elsewhere below Quebec. Captain Berthier, Morel de la Durantaye and de la Bouteillerie, also officers, were placed on the list of crown grantees. Talon had his share of the king's liberality, and received the seigniory of des Islets.

Through Talon's exertions the large gaps that separated the settlements from one another, from Cap Tourmente to Sault St Louis above Montreal, a space of over two hundred miles on both shores of the St Lawrence, gradually decreased. The Richelieu country, from Sorel to Chambly, formed part of this system. Under Talon's rule New France was no more that God-forsaken country of French fable to whose murderous climate people were sent to starve. Farmers were adapting themselves to new conditions of agriculture, and raised from a fertile soil the cereals, fruits and roots necessary for food.

The isolation of Canadian colonists during eight months of the year struck Talon as fatal to the progress of New France. To obviate this, he suggested to Louis XIV the purchase of Manhattan (New York) from the Dutch. This would have given Canada access to the sea through the Hudson, Lake Champlain and the Richelieu River all the year round.

When New Holland passed under English rule he had to look for another egress. He then suggested that a route following the River Chaudière should be opened ; this would have led to the Kennebec, which would have been followed to French Bay (Bay of Fundy). This plan was not considered after his return to France. Like all men with new and progressive ideas, he met with much opposition. Governor Courcelle constantly thwarted his designs and wrote to Versailles to place obstacles in his way. Bishop Laval—the first prohibitionist in America—opposed his policy with regard to the sale of liquor to the Indians. Talon argued that if the French did not sell *eau-de-vie* to the redskins, the English, as it had been their practice for years, would not scruple to exchange rum for peltries, and injure Canadian trade. Laval represented the superior interests of morals in this controversy, and won his case at Versailles.

Talon sent out men to look for minerals, and their researches resulted in the discovery of mines at different points —iron ore at Three Rivers and Gaspe, and copper mines north of Lake Superior.

France was a large consumer of tar, potash and soft soap, imported from Russia and Spain. It occurred to Talon that, with the ashes produced in large quantities by the burning of trees felled by the habitants when clearing land, these articles could easily be manufactured. The potash industry was established, and the enterprise greatly benefited the settlers.

That Louis XIV had the growth of Canada at heart cannot be questioned, but his enthusiasm was damped by the fear of depopulating France, and the paramount obligation to maintain at home a strong standing army. In order to strengthen his colony without weakening the mother country by emigration, he resolved to encourage marriages all through the settlements. Immigrants landing at Quebec were often single and all the soldier-farmers were bachelors. The king, Colbert and Talon made efforts to provide these bachelors with wives, and girls were sent from the mother country. In 1665 as many as one hundred arrived at Quebec, and were quickly married ; two hundred more came the following

year; contingents of future wives poured in each spring. It is estimated that a thousand young women left France for Canada between 1665 and 1673. At first some errors occurred in the selection of these female emigrants. Complaints came from Canada that girls from the cities were not fit for farm labour. Only daughters of peasants, healthy and accustomed to field-work, would be desirable partners for the settlers, except for the noblemen in the colony—*fils de famille*—chiefly officers; for these suitable wives were desired. Talon writes in 1667: 'They have sent us eighty-four girls from Dieppe, and twenty-five from La Rochelle; among them fifteen to twenty of pretty good birth, some of them really *demoiselles* and tolerably well brought up.' But the less refined were in greater demand. Frontenac wrote in 1672: 'If a hundred and fifty girls and as many servants had been sent out this year, they would all have found husbands or masters within a month.'

These future mothers of French Canada were selected with the utmost care as to their moral character. On their way to Canada respectable elderly ladies accompanied them to protect them from all dangers. In spite of this close watching some black sheep managed to slip on board the ships. Marie de l'Incarnation complains in one of her letters that in 1669 *beaucoup de canaille de l'un et l'autre sexe* had landed at Quebec. But as soon as they were detected these undesirable women were sent back whence they came.

As a rule the wisest precautions governed their choice, as shown by a letter of Colbert to Archbishop Harlay of Rouen. 'As, in the parishes about Rouen, fifty or sixty girls might be found who would be glad to go to Canada to be married, I beg you to employ your credit and authority with the curés of thirty or forty parishes, to try to find in each of them one or two girls to go voluntarily for the sake of a settlement in life.' But the care exercised in the selection of the girls did not save them from La Hontan's caustic and humorous slanders:

> After the regiment of Carignan was disbanded, ships were sent out freighted with girls of indifferent virtue, under the direction of a few pious old duennas, who

> divided them into three classes. These vestals were, so to speak, piled one on the other in three different halls, where the bridegrooms chose their brides as a butcher chooses his sheep out of the midst of the flock. There was wherewith to content the most fantastical in these three harems ; for here were to be seen the tall and the short, the blonde and the brunette, the plump and the lean ; everybody, in short, found a shoe to fit him. At the end of a fortnight not one was left. I am told that the plumpest were taken first, because it was thought being less active they were more likely to stay at home, and that they could resist the winter cold better. Those who wanted a wife applied to the directresses, to whom they were obliged to make known their possessions and means of livelihood before taking from one of the three classes the girl whom they found most to their liking. The marriage was concluded forthwith, with the help of priest and notary ; and the next day the governor-general caused the couple to be presented with an ox, a cow, a pair of swine, a pair of fowls, two barrels of salted meat, and eleven crowns in money.

Of all the men who have written about Canada, La Hontan is the least reliable. His object in writing was not to give a true description, but rather to present a picturesque and amusing narrative. According to official and reliable accounts, the 'King's Girls,' as they were designated, were kept in certain numbers in separate rooms, with most respectable ladies in charge. Madame Bourdon, widow of Jean Bourdon, attorney-general, and Marguerite Bourgeoys, founder of the Hôtel-Dieu at Ville-Marie, performed these good offices, the former at Quebec and the latter at Montreal. They taught the girls, and assisted the men who applied to select suitable partners.

Stimulated by the king's bounties, the race for husbands progressed apace. Louis XIV's policy met with complete success. 'No sooner,' says Marie de l'Incarnation, 'have the vessels arrived than the young men go to get wives, and by reason of their great numbers they are married by thirties at a time.' Wedlock was the order of the day, and we are told by Dollier de Casson that one widow knelt a second time at the marriage altar even before her first husband was buried.

In 1665 Marie de l'Incarnation, who has shown herself in all her letters from Quebec to her son a very correct and shrewd observer, wrote that all the hundred girls sent out that year had been provided for. In 1667 another contingent had found husbands on landing. The same writer notes the facts as follows: 'Ninety-two girls have arrived from France, and most of them have been married to soldiers and labourers.' These girls received from Talon, as a sort of dowry, fifty livres and some food.

To conciliate the conflicting interests of France and Canada was a difficult problem for the statesmen of the day. An impracticable solution occurred to them. For a while they took up Champlain's dream of turning Indians into Frenchmen. 'Our boys,' said Champlain to some Algonquins, 'will marry your girls, and we shall be but one people.' This dream may well have seemed practicable to the father of New France, who had no previous experiment before him to prove its futility. Louis XIV and Colbert still clung to the idea of making Frenchmen out of Indians, and chiefly out of their offspring brought up under Christian influence. Conversion to Christianity, being the initial step in the transformation, was to be followed by education under French teachers. It took years to eradicate this erroneous notion from official minds; even Frontenac placed some faith in it, despite the woeful experience of his predecessors. He wrote:

> I have expressed to the Jesuits my great surprise at the fact that, out of all the Indians under their care at Notre Dame de Foye, not one of them could speak French. I have told them that in their missions they should endeavour, whilst making Indians sons of Christ, to transform them also into subjects of the king. To reach that end, it is necessary to teach French to the children, and give them sedentary habits, and induce them to abandon a life so opposed to the spirit of Christianity, since the best means to make Christians out of these poor creatures should be to persuade them to be men.

In these few lines appear Frontenac's illusions, for which his ignorance of the country and lack of experience are

responsible, as well as his dislike of the Jesuits, who, to his mind, assumed too much authority. In reality the priests had grasped the situation better than the governor. To civilize the Hurons and Algonquins—and the Indians generally—would have required long years of labour, if indeed it could ever have been accomplished.

As far back as 1667 young Indians had, at the king's request, been admitted to school in Quebec with French children. This scheme of educating the sons of the forest and of civilizing them proved a complete failure. The seed of education sowed in the young savage minds fell among stones. On the other hand, the French youth that came into contact with such wild companions often became almost unmanageable. Barbarism overcame civilization. The general tendency of human nature is to go down rather than up the slope. The first generation of French colonists were already too prone towards independence, too ready to discard the old country manners and habits. Liberty had an uncontrolled influence over their nature. Abbé de la Tour wrote in 1667 : ' Canadian children, as a rule, have shown great brightness, memory and talent, and learned quickly, but being also light-headed, very fond of freedom, with a great fondness for physical exercises, they lack that application necessary to acquire learning. Satisfied with a certain amount of knowledge to help them in their daily avocations, none of them became highly educated.' This ineptitude of the young colonists might apply to all children placed in similar conditions. It disappeared with the general development of the country.

Marie de l'Incarnation, who, for all her deep mysticism, seems to have possessed very practical common sense, did not expect education to have any considerable influence on Indian character. She has often been represented surrounded by Huron girls, as their instructor. Her experience therefore extended further than that of Talon. ' A Frenchman,' she said, ' is sooner changed into an Indian than an Indian into a Frenchman.' Reference is made to the problem in the history of the Ursuline Convent :

> If by ' frenchifying ' [*franciser*] one means that Indians have become pious, good, charitable under Christian

> influence, we can say that our sisters have frenchified almost all young girls entrusted to their care, but on the other hand, if by this word it is desired to convey the impression that Indians have become reconciled to the sedentary life and customs of civilized people, then it must be confessed that, as a general rule, little progress has been made in that direction.

The dislike of the Indian children to education and civilization was inherited from their fathers. Frontenac was much in error in supposing the Indian open to so radical a change of character. Why should they become Frenchmen? They believed themselves superior to the white strangers who could not shift for themselves in Canada and who depended so much on royal help for their success in life.

The scheme proved a failure. Christianity often succeeded in substituting for their indefinite and confused religious notions the idea of God as a ruler of men and things, but there it generally ended. Customs and modes of living remained inseparable barriers between civilization and barbarism. In order to promote marriages between French colonists and Indian women, a sum of one hundred and fifty francs was offered as a dowry. But nearly all the Indian girls scorned what was considered by Louis XIV as an irresistible inducement—not that they overestimated their red companions in comparison with white men, but because their first thought was for the freedom of forest life. Had this scheme succeeded, it would not have helped New France as the king expected. Wars and sickness had played havoc among his redskin allies. From sixty thousand souls at Champlain's arrival the Hurons had been reduced to only a few thousands. In 1700 smallpox, so fatal to Indians in general, had decimated their tribes, and the terrible Iroquois tomahawk had almost completed their annihilation. The sole hope of augmenting the Canadian population rested on the natural increase and immigration; all plans of converting Hurons and Algonquins into Frenchmen had proved abortive.

It was a sad day for New France when in 1672 Talon gave up his strenuous task. His equal was never seen among his

successors. Intelligent, energetic, and with a clear vision of Canada's possibilities, he made it plain to Louis XIV that a great future was in store for the Canadian colony if only his plan for its enlargement were followed. It was he, it will be remembered, who had conceived an expansion of New France which should cover all North America west of the Alleghanies and north of Mexico.

Within five years, under Talon's direction, agriculture had been improved by the introduction of new methods, commerce extended, the administration reorganized. He drew Colbert's attention to the immense quantity of lumber that could be exported to France. He was the first to build ships at Quebec, and to send them to the West Indies with the produce of Canadian forests.[1]

No man ever did more for a country in so short a time as Talon. Canada was, so to speak, revolutionized under his administration. He found a few straggling villages; he left behind him flourishing settlements. Before he departed from Canada he could write with pride to Louis XIV: 'I have this year caused to be manufactured, out of the wool shorn from the sheep sent by Your Majesty, several kinds of cloth [*droguet, étamine* and serge]; our tanneries supply one-third of the leather required here, and at present I have Canadian fabrics to dress myself from head to foot, and I hope that within a short time Canada will require from France but few useful articles, if it is well administered.'

To show further how much New France had prospered under Talon, let us quote Father le Mercier, who thus describes the change that had taken place: 'It is a pleasant sight now to see almost all the shore of our river St Lawrence studded with new settlements that extend to eighty leagues on both shores, where new villages appear; they facilitate navigation, make it more agreeable on account of the many

[1] The shipbuilding initiated at Quebec by Talon was continued through the French régime. Gaspard Boucaut, an official under Governor Duquesne, wrote that in 1721 six ships were built at Quebec. For years during the nineteenth century Quebec and Lévis shipyards were flourishing; scores of fine vessels left Quebec for England and other countries. The Quebec shipyards were closed when iron and steel superseded wood in the building of vessels. Quebec could not compete with England in this transformed industry.

houses to be seen, and easier on account of the many places for rest now at hand.' Making allowances for an evident exaggeration (for the good priest gives us the impression of a country teeming with a large population, when it was scarcely over 7000), this description of a chain of small settlements confirms the impression that considerable progress had been made.

Talon is the most conspicuous figure in the Canadian annals of his day. From 1665 to 1672 he continued Champlain's labour and placed New France on the basis of a well-organized colony, and he stands head and shoulders above all as a maker of Canada under the French régime. This eminent apostle of colonization, under whose rule the settlement of New France made the only real advance in its life, had grasped every feature of the conditions of the country. Not only did he show the advantage of an outlet to France all the year round, but he was the first to demonstrate the importance of the St Lawrence and its system from both the economical and geographical points of view. 'This country is so situated that, through the St Lawrence, it is possible to reach any point, either west, north, or south, by way of the lakes, its continuation, and by way of its tributaries.'

It is sad to think that as many as ten thousand Frenchmen fell in one battle at Malplaquet and that not a hundred colonists a year could be spared after 1700 for colonization purposes. Rameau, author of *La France aux Colonies*, remarks that if only 150 colonists had been sent to Canada every year from 1675, its population towards 1750 would have reached 500,000. Taking these figures as a basis for further calculation, and considering the fact that the French population has doubled itself every twenty-eight years during the last century, it may safely be estimated that under these circumstances the French Canadians would to-day number eight millions. Left practically alone—for emigration from France ceased at the close of the seventeenth century—it had in 1759 reached the comparatively high figure of about 65,000 souls. But how insignificant this result as compared with that of the English colonization!

During the Seven Years' War, New England and its sister colonies could muster a number of men for action larger than the whole population of Canada.

The failure of colonization in New France can be accounted for by reference to the fundamental principles underlying the building up of an oversea domain. During the short life of New France nearly every factor required was found to be wanting—a well-organized immigration, the support of a native population, and commercial intercourse. Moreover, the motherland also lacked that sea power without which it is impossible to plant a colony with success. The destiny of France in Canada might have been more glorious if Acadia could have been retained, to give a route along the Chaudière and Kennebec Rivers, as Talon suggested, to a seaport essential to the existence of the colony. Canada, under a king who interfered in all details of administration, was not only a country closed to a constant flow of emigration from France, but also a land to which entrance was barred to all except the French.

South of Canada the system of the open door prevailed, and Dutch, German and French Protestants availed themselves of that liberty to better their condition in new homes.

IV

THE GROWTH OF THE COLONY IN THE EIGHTEENTH CENTURY

NONE of Talon's successors followed in his track by encouraging colonization. Even Frontenac, who is rightly considered as one of the foremost governors of New France, gave little attention to immigration. All his energy seemed bent in another direction : the conqueror of Phips, the man who, with his expedition against Orange, Haverhill and the border posts, terrorized the English colonists, had not as lofty an ambition for Canada as had Talon. To extend New France westward seemed to be the height of Frontenac's ambition. With this object in view

he greatly favoured La Salle's voyages of discovery towards the Mississippi. He had to be reminded by Louis XIV that 'the increase of the population is almost the only object that you should have in view.'

The industrial movement initiated by Talon also slackened after his departure and almost died out. The cultivation of hemp and linseed that he had developed, even at his own expense, was neglected, to be revived only in 1705, when Madame de Repentigny, after the loss of ships that were bringing goods from France, set to work and manufactured all sorts of homespuns; and necessity compelled the habitants at large to follow her example.

The only considerable increase of population in Canada during the eighteenth century was the natural increase among the French Canadians, reinforced by the settlement of a certain number of immigrants, about sixty a year, English prisoners, exiled Acadians, and contingents of soldiers who preferred remaining in Canada after their term of service. The reason for the inertia of Old France has already been mentioned. Louis XIV and his successor became involved in a succession of wars whose importance overrode Canadian interests.

Five of these wars brought Canada into contact with her neighbours. First, in the time of Louis XIV, came the league of Augsburg—a coalition of England, Holland and Germany against France. During the hostilities, which ended with the Treaty of Ryswick in 1697, Frontenac sent out murderous expeditions, composed of habitants and Indians, against the New England settlements and repulsed Phips's attack on Quebec.

When the grandson of Louis XIV ascended the Spanish throne, England and Holland challenged the right of France to extend her influence to Madrid; and this question was only decided after a great war of ten years. Philip remained on the throne, but France lost, by the Treaty of Utrecht (1713), Acadia, Newfoundland and Hudson Bay. In 1734 the dogs of war were again let loose, fighting now over the succession to the throne of Poland, whereon Louis XV of France was endeavouring to replace his father-in-law, Stanislaus Leczynski.

Another quarrel soon brought French armies on one side and English and German on the other into conflict, for Louis XV joined Frederic II in the attempt to prevent Maria Theresa from entering into possession of the hereditary estates of her father, the Emperor Charles VI—the War of the Austrian Succession. Finally, the Seven Years' War, the most disastrous of all for France, ended with the annihilation of French power in North America. Altogether, hostilities in New France covered forty-three of the one hundred and fifty years of French rule in Canada. Including hostilities with the Iroquois, wars in Canada covered a space of sixty-one years. The longest period of peace extended over the thirty years between 1713 and 1743.

A country perpetually in the grip of war cannot expect emigrants to settle on its disturbed domain. Moreover, these international conflicts did not constitute the only obstacle to colonization. After 1700, and even before that year, the increase of population came mainly from the large number of children in the habitant families. Households of twelve sons and daughters could be counted in large numbers in those days. This is not altogether exceptional in Quebec even to-day. Montcalm, when he arrived in Canada, noticed this extraordinary growth of the French-Canadian population. In his journal he wrote that 'a soldier of the Carignan regiment had two hundred and twenty descendants settled in four parishes: La Baie St Paul, Les Eboulements, La Petite Rivière and Isle-aux-Coudres.' This great multiplication must have taken place during eighty-six years, as the soldiers of the Carignan regiment settled in Canada about 1668 and Montcalm arrived at Quebec in 1754. To illustrate this point in a more striking manner, let us place before the reader the following statement of births and deaths taken from three different country places—Boucherville, near Montreal, Cap Santé, almost midway between Quebec and Three Rivers, and Isle-aux-Coudres, on the St Lawrence, sixty miles north-east of Quebec:

	Boucherville		Cap Santé		Isle-aux-Coudres	
	Births	Deaths	Births	Deaths	Births	Deaths
From 1741 to 1745 . .	17	3	99	42	214	136
From 1745 to 1748 . .	25	3	126	55	233	121
From 1748 to 1752 . .	33	13	134	67	216	125
From 1752 to 1754 . .	16	1	70	32	96	34
	91	20	429	196	759	416

Anxious as he showed himself to colonize New France, Louis XIV had not sent to his colony more than four thousand emigrants during twelve years (from 1659 to 1671), and Canada was left afterwards to its own resources. An edict of Louis XIV shows that Mercier was following an old precedent when, in 1890, he gave one hundred acres to each father of a dozen children. Louis made it known to his Canadian subjects 'that a pension of four hundred livres shall be given to the head of a family of twelve children'; ten children would bring a reward of three hundred livres, but if a girl entered a convent she was not counted in the number of children that entitled a family to the reward. According to Boucaut, an important official in Quebec from 1726 to 1756, Louis XIV's opinion was that there were too many nuns in the convents. The French king went one step further in this matter. 'Preference should always be extended, when a distribution of honours or patronage takes place, to men with large progeny around them.' This was not all; in support of these enticements, and to give them additional force, hunting and trading privileges were denied to bachelors. Louis made it known also that it was his will that certain fines should be collected from fathers who did not marry their sons at twenty years of age and their daughters at sixteen. On the other hand, a premium of twenty livres was paid on their wedding day to young men marrying at or before twenty.

So slow was the tide of emigration that it became a policy with Talon and his successors to prevent the return to

France of any settlers. This bold attempt to deprive colonists of their natural liberty had to be subtly disguised. Talon writes :

> As it would be bad policy to allow colonists in large numbers to return to France, it would still be hard to refuse that permission without damaging the interests of some one. I would suggest that when leave is asked by the head of a family well settled here, it should be granted, because his interests and love for his children will bring him back. As to those who are only tied by a property, care should be taken that their land be sold only when approved of by the governor. If a hired man wishes to leave, he should be made to refund the money paid for his passage to Canada, so that the same amount might be used to bring another man in his place. In this wise, people would not be deterred from coming here by the fear that once in Canada it is impossible to leave it.

It has been ascertained through records of births and marriages that many New England prisoners remained in Canada after the war, during which they had fallen into the hands of the enemy. Most of these captives refused to return home, having become used to the manners and customs of the habitants, who treated their prisoners with great consideration. To cite only two cases, the late Judge Gill of Montreal was a descendant of one of those prisoners, and Bishop Plessis' mother belonged to a Massachusetts family.

Following Talon's example, Frontenac parcelled out large areas of land into seigniories. These were granted chiefly to officers, men of noble birth. But, for want of experience and lack of patience, many of them failed in their venture. To achieve success it was imperative for these noblemen to work in the fields. But few seigneurs could eke out a decent living on their land. To fell trees, clear the land, and put their hand to the plough did not suit men used to playing the part of *beaux sabreurs*. As agriculturists their success was poor ; and many *censitaires* lived in comparative ease under the eyes of starving seigneurs. Governor Denonville wrote to France advising his superiors not to send any more noblemen to Canada. Many of them were driven to such poverty that their daughters had been com-

pelled to plough the fields to save the family from starvation. Not a few seigneurs deserted their grants of land to take to the woods and become *coureurs de bois*.

Of all the seigneurs in the second period of colonization, Boucher de la Bouteillerie and de Repentigny appear to posterity as the real promoters of colonization : they derived the greatest benefit from the soil, and settled the largest numbers of emigrants on their lands. Boucher received from Louis XIV letters of nobility. He was the head of the de Boucherville family, a name still familiar in Quebec.

Colonization received a small impulse after 1755, when the Acadians were deported all along the Atlantic coast. Many of them, after outliving all the horrors of exile and the constant prospect of starvation, managed to escape to Canada. These Acadians, akin to French Canadians in customs, manners and origin, found homes in the vicinity of Quebec and Montreal. A village, L'Acadie, near the American frontier, was named after them, and commemorates their settlement to this day.

Unwilling or unable to send emigrants to Canada, a French minister fell back upon a rather crude scheme of colonization. According to Salone, he sent out to Canada a certain number of prisoners. They were not welcomed at Quebec ; bishops as well as governors sent strong protests to Versailles against such immigration. In spite of these protests the Duke of Orleans, regent of France during Louis XV's minority, persisted in shipping prisoners at the rate of about thirty every year. However, these emigrants were guilty of only minor offences : many had been sent to gaol for manufacturing and selling salt contrary to regulations ; others had been arrested for poaching or fishing in forbidden streams. It is asserted that these men, who had trespassed against harsh laws only through pressure of want, turned out good colonists. The new atmosphere in which they were called on to earn their living and the environment of God-fearing citizens helped to reform them. If any of these immigrants misconducted themselves, or refused to work, they were sent back to France. After 1750 no more convicts came to Canada.

It has been stated above that methods of tilling the soil unknown to French settlers, climatic conditions and Indian inroads deterred Frenchmen from taking up farms in New France. The greater profit to be derived from fur trading was also an important factor in drawing colonists away from the fields, and one that always remained active. The other deterrents should have lost part of their influence with time. Agriculture became a very remunerative business about 1665, and Indian inroads diminished in number. Farming conditions in New France were certainly better than those of the peasants whom La Bruyère sketched in such dark colours—a hard-worked band, hoeing a land not their own, and starving half the time. La Hontan writes (1703) in his book on Canada :

> Peasants here are well off, and I wish that our poor ragged nobility could have as good cooking as the country people here. What am I saying ? These fellows here would rebel against being called peasants. They are right ; they pay no tax on salt, they fish and hunt to their liking. In fact, they are rich. Why should we compare them to our miserable peasants ? I know many noblemen who would burn their old parchment in exchange for the Canadian farmers' acres.

Duchesneau, whose testimony is more reliable than La Hontan's, expressed a similar opinion : 'As to the farmers who till the soil with care, they live quite comfortably, and are incomparably happier than those we call well-to-do peasants in France.'

The most flourishing period in the history of New France dawned after the Treaty of Utrecht—a thirty-years' peace during which conditions of life along the St Lawrence and Richelieu Rivers were greatly improved. Between 1713 and 1730 the population rose from 19,000 to 34,000. Between 1720 and 1730 the area of land under cultivation was more than doubled, being increased from 71,000 to 148,000 arpents.

Figures as to the crops are still more striking. In 1719 they yielded 240,000 bushels of wheat and 738,000 in 1734, besides 3400 bushels of barley, 5000 of corn, and 163,000

of oats. About 1754 wheat was exported at the rate of 80,000 bushels annually. Somewhat earlier than this the habitants had taken to raising hemp and flax in large quantities, as they found a good market for these articles in France. In 1743 the annual yield of hemp amounted to 40,000 lb. In 1734 the flax crops yielded 92,000 lb; in 1755 the yield was 120,000 quarters.

Tobacco was also raised, although with much difficulty at first, on account of the climate. That it could be cultivated with success is proved by the fact that in 1744 a merchant exported 40,000 lb of the weed to La Rochelle. Cattle and sheep were to be found in large numbers. Horses multiplied beyond the requirements of the country. Governor Vaudreuil and Intendant Hocquart found fault with their large number because the young habitants used the animals as saddle-horses and thus neglected walking, so necessary to health. The meddlesome officials suggested that only one horse should be allowed for every four oxen.

For a long time the habitant failed to take advantage of the wealth within his reach in the timber of the forests. But in 1729 four shiploads of lumber were exported to the West Indies, and from that time on a new source of gain was open. Under Talon tar had been manufactured, but after his departure this industry stagnated until 1733, when men were sent from France to teach the habitants how to prepare tar, rosin and pitch, which were disposed of to advantage in France.

After many experimental attempts iron of good quality was produced in the St Maurice forges, north of Three Rivers. As many as one hundred and fifty men were engaged in that important industry. With hemp and wood and iron at hand, the idea of shipbuilding soon presented itself. In 1736 ships from the Quebec dockyards were sold in the West Indies. This naval industry gave such good results that the French government, deciding to work it for the state, built armed vessels in that port. Between 1740 and 1750 a small fleet left Quebec for France, the largest ship being the *Algonquin*, of seventy-two guns.

All through the French régime the fur trade gave large

profits, though not always to the habitant, who was hampered by the commercial companies or the officials. From 1718 to 1758 one or two, sometimes even three, million pounds of furs were exported annually to La Rochelle. Large quantities of beaver skins were smuggled into New England.

By the middle of the eighteenth century, then, the prosperity of Canada compared favourably with that of the richest countries of Europe. The habitant enjoyed the great advantage, unknown to European peasants, of owning his farm. He made a rule, which his descendants have kept up to this day, of using the best that his land produced, and selling the balance to town people or exporting it. In the parishes all farmhouses were substantial stone buildings. This somewhat expensive mode of living drew from Montcalm the remark that ' these villains live like petty noblemen in France.' ' The inheritances,' says Salone, ' were meagre. But what did it matter ! The habitants considered that their sons, with land at their disposal, and with courage, would live as they did. This was not improvidence, but vision of the future, and confidence in the intelligence and pluck of the race.'

It is now in order to examine the result of colonization from its inception, and particularly under Talon's administration. As already stated, the first period of settlement of New France really began on Champlain's return to Quebec (1633), after the restoration of that place to its former masters, and ended in 1663 on the withdrawal of the One Hundred Associates. During that period this company had charge of the interests of New France, and when its charter was cancelled the colonial population numbered 2500 souls, according to an estimate considered fairly accurate.

A census of New France—the earliest—was taken in 1666. It set down the French population at the very low figure of 3215, of whom 2034 were men and 1181 women, including 528 married couples. There were 547 persons in Quebec, and the whole population in and about Montreal numbered 625. Three Rivers came next, with 455 souls ; Orléans, with 457 ; Beaupré, with 523 ; Beauport, with 185.

Such was the poor result sixty years after the foundation of Quebec.

This census was most carefully compiled and is still interesting to consult. In the enumeration of professions we note one bishop, eighteen priests and thirty-five Jesuit fathers. The convents harboured forty-six ladies. There were, besides the 3215 settlers in the colony, about 1000 soldiers and 400 *engagés* (servants).

As compared with other periods, colonization during Talon's administration made great strides owing to his constant appeals to France for more settlers. From 1659 to 1664 there were sent from La Rochelle three hundred emigrants each year, leaving, after the deduction of the number of dead, a total of nine hundred. Under Talon's administration settlers came as follows :

1665	429
1666 (year of the war between France and England)	35
1668	286
1669	228
1670-71-72 (220 each year)	660
1673 (girls)	60

Statistics of the settlement of the military element show that 412 soldiers settled in 1668, 100 in 1669, and 250 in 1671. War broke out again in the next year and emigration stopped.

A second census of New France was taken by order of Frontenac in 1673 after Talon's departure, and covered part of his administration. The figures gave 6705 as the number of settlers all over Canada. Placed alongside those of 1666 —3215—it shows a remarkable increase, the population having doubled within seven years. Had the growth of settlers gone on at that rate, there would have been in Canada, by the middle of the next century, over half a million of habitants, a number large enough to repulse all invaders from England and its colonies. And yet this census has been declared incomplete and a low estimate of the population. Colbert wrote to Frontenac that a considerable number of names had been omitted from the list. Subsequent calcu-

lation proved that Colbert had correctly judged the situation, as the census of 1675 showed the population of Canada to be 7833.

It will be remembered that Colbert had sent instructions to Talon directing him to concentrate all settlements within a limited territory. Expansion constituted a danger, and weakened New France's resources and means of defence in time of war. This wise policy was reversed later on, and habitants were sent west to found Detroit (Fort Pontchartrain) and Louisiana, while many *coureurs de bois* followed d'Iberville to New Orleans. The beautiful southern climate attracted too many of the immigrants brought to Canada at such great cost. Governors de Callières and de Beauharnois protested at Versailles against the encouragement given to this exodus. 'His Majesty desires,' they had written, 'to colonize the Mississippi region and to maintain Canada. Therefore it appears to us that France should undertake alone the settlement of Louisiana and not through Canada, from which no settlers can be removed without serious danger.' They asserted that d'Iberville and those who with him offered other advice were moved in the matter by private interest, and they 'know for a fact that *coureurs de bois* travel to Louisiana to get goods that the Sieur d'Iberville gives them in exchange for furs.' The accusation against d'Iberville was unfair: New France never had a more honourable and straightforward citizen. Nevertheless the advice of de Callières and de Beauharnois should have been heeded. In his old age Louis XIV seemed to have lost sight of the true policy to be followed towards Canada, for in 1713 he instructed Vaudreuil to send fifty men to Governor Crozat, who wanted them to plant a colony on the Wabash. Men were therefore taken from New France, which could so ill spare them, to be sent to Detroit, Louisiana and other places. It was a most unfortunate policy that took so many men from New France, where they were so much needed. It may be urged that the establishment of many western trading-posts such as Cataraqui, Niagara and Detroit was a necessity to secure the Indian fur trade, but this reason could not be urged in the case of New Orleans and many other

places. For a time everything seemed not only to thwart the expansion of New France, but also to tend towards the depopulation of its towns and fields. An intelligent and well-conceived policy, initiated by Colbert, had endeavoured to restrict the settlements to the shores of the St Lawrence, and concentrate within their limits all newcomers. The condition of the country was such that it could not be carried out. *Coureurs de bois*, trappers and traders would desert the fields, in spite of all royal orders. Away they went, many of them to the far north and west, in search of the valuable furs that could be turned into money much quicker than the products of the soil.

The French-Canadian habitant may well be exasperated when he looks back and considers what might have been achieved by New France. In the seventeenth and eighteenth centuries immigrants from the British Isles raised the population of the English colonies to over one million towards 1750, while that of Canada at the same period did not reach 100,000 —and this at a time when the population of France amounted to twelve millions against six millions in the United Kingdom. Almost unlimited liberty in colonization built up a nation south of Canada within a century and a half, while political restrictions of all kinds, together with adverse climatic conditions, paralysed the expansion of New France. The intermittent French efforts resulted only in forming a small homogeneous community. Yet those French Canadians, with such limited numbers and opportunities, have left their mark upon the history of the New World.

V

ORIGIN OF THE FRENCH CANADIAN

IT has been for a long time a commonplace dictum among economists that the French are unfitted as a race to build up colonies. The idea has been modified more and more as students have examined the history of colonization in Canada, until at length their researches have brought them

to the opposite conclusion, and it is now generally admitted that, given the proper elements, Frenchmen can obtain as good results in colonial undertakings as their neighbours. How such a false notion could have been entertained so long is inconceivable. The success of the habitant in North America, taking into consideration the obstacles of all kinds with which he had to contend, constitutes an eloquent refutation of the older view. The responsibility of some recent failures may be laid at the doors of officialism. Even to-day the customs tariff framed at Paris for French colonies is such that they are deprived of all commercial liberty in the interest of the parent state.

The credit for the development of the small band of French peasants left on the ruined farms of Canada, at the end of the Seven Years' War, into an important and growing community must be given to the few enlightened and energetic colonists that came to Canada from the northern and western provinces of France, from Picardy and the country east of La Rochelle. Champlain had sailed from Honfleur, but it was La Rochelle that became the connecting and trading link between France and Canada. That port afforded easy access to the sea for the provinces of Aunis, Saintonge, Poitou, and Richelieu, as has been noted earlier in this article, insisted that colonists should be selected from those parts of France where agriculture flourished. In his opinion people living close to the sea were better fitted for fishing than for tilling the soil. He had observed that many Bretons went to Canada to fish, but not to settle there permanently; nor was the wine-growing country considered a favourable field from which to send colonists. On the other hand, the fertile lands along the Seine and the Loire could supply a good class of emigrants.

It was long taken for granted that the statement of Charlevoix that Normandy had sent out by far the largest number of settlers to Canada was indisputable. Garneau and Ferland have dispelled this illusion. The former, after consulting the records of about thirty notaries in Quebec, from the early days of the colony up to 1700, was able to

give the following statistics as to the origin of a large number of French Canadians:

Flandre-française	8	Brie	20
Picardie	76	Berri	17
Normandie	341	Orléanais	35
Bretagne	87	Bourbonnais	6
Poitou	239	Angoumois	56
Beauce	43	Perigord	9
Pays d'Aunis	190	Guienne	21
Saintonge	91	Bourgogne	32
Perche	20	Champagne	32
Anjou	44	From other points	162
Limousin	21	Ile-de-France, nearly all of Paris	358
Maine	30		
Touraine	34		1972

Abbé Ferland has also given a list, though for two brief periods only—from 1615 to 1641, and from 1641 to 1666. It was prepared from the records of births and marriages at Quebec, in which is inscribed the origin of each emigrant. Ferland's list agrees with Garneau's statistics as to the proportion of settlers from the different provinces of France. For example, Normandy here tops the number with 125 emigrants; then comes Perche with 57, Aunis with 37, Poitou with 33. Saintonge and Picardie, which in the second period of colonization are well represented, have in the first a poor showing.

It can be seen from the above statement that Normandy, with the one exception of Ile-de-France,[1] furnished the largest quota, but only a small proportion—about one-sixth—of the whole number of immigrants. Of course, Garneau's statement does not give complete statistics in this matter, for the total number of French emigrants to Canada is set down at about 8000;[2] but it may be

[1] Paris with Ile-de-France—this name applied to the region around Paris and included the city—sent more colonists than Normandy. These emigrants, however, cannot be classified, for they came from all quarters.

[2] Rameau (*La France aux Colonies*) places the number of French emigrants at 10,000.

inferred that the rest came to Canada in the same relative proportions.[1]

All French-Canadian settlers, therefore, cannot claim Normandy as the land of their origin. But there must have been a great similarity in the manners and customs of Norman peasants with those of Picardie, Maine and Pays d'Aunis. The intercourse between them became frequent, and intermarriage brought about complete uniformity of manners and customs in the Canadian population.

La Rochelle is situated in the Province of Aunis. To the north we find Poitou (represented by a large contingent, 239) and to the south Saintonge and Angoumois. We have therefore two groups of provinces in connection with emigration to Canada—Normandy and Poitou with provinces of less importance, and Aunis, with the neighbouring province south of the Loire.

It is important in this connection to note the impression produced by the habitants upon Frenchmen visiting Canada. As a rule, their observations lead them to the conclusion that there exists a strong resemblance between the language of French Canadians and that of Norman peasants not speaking a *patois*. From personal experience the author has come

[1] It will perhaps interest readers who have friends in Quebec to find here the names of a certain number of immigrants who arrived in Canada from 1615 to 1641 inclusive, *i.e.* during the first period of colonization: Noel Langlois, Charles Le Moine, Paul de Rainville, Nicolas Bélanger, Gaspar Boucher, Jean Gagnon, Noel Morin, Noel Juchereau des Chastelets, Nicolas Pelletier, Louis Hébert, Jacques Gourdeau, Guillaume Couillard, Abraham Martin, Jean Coté, Jacques Scelle; and from 1641 to 1666: Jean Le Blanc, Pierre Le Mieux, Guillaume Fournier, Gabriel Gosselin, Guillaume Couture, René de la Voie, Pierre Le Febvre, Louis Fontaine, Étienne de Lessard, Nicolas Forget, Nicolas Godebout, Jean Routier, Sébastien Langelier, Thomas Le Sueur, Mathieu Brunet, Christophe Crevier, Guillaume Lelièvre, Antoine Pepin Lachance, François Fortin, Jean Barrette, George Pelletier, Jacques Asseline, Pierre La Rue, Pierre Boyvin, François Boucher, Robert Le Cavelier, Marin Du Val, Julien Mercier, Pierre Parent, Pierre Tremblay, François Provost, Guillaume Landry, Charles Pouliot, Charles Turgeon, Étienne La Fond, Jean Chesnier Celles, Jacques Archambault, Pierre Aigron La Mothe, Jacques Vézinat, René-Réaume, Isaac Bédard, Pierre Cartier, Jean Chauveau, Jean Normand, Mathurin Chabot, Louis Garnault, René Du Bois, Jean Chapleau, Grégoire De Blois, Mathurin Gouin, Michel Chauvin, Urbain Tessier, René Le Duc, Mathurin Langevin, Michel Le May, Pierre Couc Lafleur, François Dupont, Jacques Picault La Brie, Pierre Charon, Michel des Orcys, Jean Mignaux, Thomas Douaire de Bondy, Vincent Poirier, Nicolas Huot.

to share this opinion. He was particularly struck at Rouen, Caen and Lisieux with the marked similarity of the inhabitants of those cities to French Canadians of the same class. It must be admitted, however, that persons of fair complexion and tall stature are more common in Normandy than in Lower Canada.

Neither Garneau nor Ferland points to any considerable emigration from Brittany. Upon going through the seven volumes of the *Dictionnaire généalogique* of the Abbé Tanguay, we find that many colonists are described as coming from that region, though from their names they appear to have belonged to some neighbouring provinces. It is difficult in this matter to arrive at a correct classification.

It must be inferred from the actual manners and language of the habitants that the spirit of the Norman stock, though represented by but a sixth part of the total number of colonists, has predominated in the blending of the various groups and given its characteristics to the other settlers. This became evident in the earliest days of New France. The Normans showed themselves true to the blood of their energetic ancestors, who, after having compelled Charles the Simple to give them a part of Western France, followed William the Conqueror to England, Robert Guiscard to Sicily and Richard Cœur de Lion to Palestine. As will be seen hereafter, many Canadian settlers retained the nomadic disposition of their Norse forefathers.

As soon as settlers arrived from France they associated with their predecessors, who, looking upon the newcomers as relatives or even brethren, helped them in their venture. By degrees the colonists were assimilated into a homogeneous society with common sentiments and ambitions. Abandoning their special *patois*, they all in time came to speak the same language.

This one language, though modified with time, is still spoken throughout Lower Canada. It is not an uncommon thing to hear foreigners visiting Quebec criticize the popular language as coarse *patois*. It is a most unfair judgment. There are—it is true—some strange words used among French Canadians, but the educated visitor will not fail to

detect here simple archaisms or recognize terms familiar to the contemporaries of Molière, Voltaire, or even Ronsard. These purists, who frown so severely on these antiquated expressions, forget that in no country do the peasants speak like the upper class. There is no *patois* in the Province of Quebec, while as many as ninety dialects exist in France. It is in the cities of Canada alone that the language is open to severe criticism. As a rule, French Canadians in Montreal, Quebec and other trading centres speak both English and French, and in this way many English words have crept into the popular vocabulary.

Out of the French-Canadian idiom has sprung a literature in which historical works take the lead. Fiction has not yet ranked very high, both for want of encouragement, and more especially because it has to face Parisian competition. Still, that this literature has a true French stamp is proved by the fact that several of its best productions have won prizes in Paris by the verdict of the French Academy.

It has often been asked how much the French Canadian differs from, or resembles, his cousin across the Atlantic? An English visitor wrote, in an account of his travels through Lower Canada: 'It has all the shortcomings of a province in France without any of its qualities.' This rather summary appreciation, or rather depreciation, is not unlike the opinion of a traveller who, seeing a red-haired man on his landing at Boulogne, observed in his note-book: 'All Frenchmen have red hair.' The opinion first quoted must have been inspired by contact with a disagreeable and ignorant peasant in some out-of-the-way parish.

The fact of the matter is that there has been a parting of the ways between Frenchmen born in Canada and those of the old country across the sea, and this was noticeable even before their final political separation. Surroundings, climatic conditions, occupations, all affect men in a lesser or greater degree. In every country peasants stand out in strong contrast with city people. Tastes, manners and ideas differ, although the main features of character may remain alike. Man is influenced by the company he keeps; he reflects like a mirror all the colours—dark and light—of his surroundings.

Under hardier conditions of life, the French colonist in Canada soon grew more vigorous than his congener of France. Spending his days, during the first period of colonial life, under a constant menace of Iroquois attacks contributed to steel his courage against fear of any kind in temporal matters. When finally peace was made with the Indians, hostilities with New England colonists began and made the habitant more and more wary. Still, the genial temperament of the race remained; cheerfulness, in face of all dangers, enlivened the homes. It was this quality that made the habitant welcome strangers and proffer a lavish hospitality. It is recorded in a visitor's note-book that one could travel from Quebec to Montreal without having to pay a livre or even a sou for food, transportation and lodging.

The difference of manners and ideas of the French habitant certainly engendered conflicts of opinion with soldiers and officials, who looked down on their rough, uneducated brethren, born under a different sky, with an unwarranted superciliousness.

With time, after the Conquest, the estrangement between the French at home and the habitants of Canada widened. In the colony the ideas of early days remained unimpaired, while in France they gradually evolved and advanced. Revolution left its traces all over France, while in Canada the salutary influence that had kept Canadians true and loyal to the king continued to reign unaltered.

The French-Canadian mind of the better class was shaped on the lines of the seventeenth century. Contemporaries of Bossuet and Fénelon would find themselves at home in any French-Canadian parish. Many young men in Lower Canada study Latin and Greek and their own language as their ancestors in Europe did long ago, in the seventeenth and eighteenth century *petits séminaires*. Throughout his studies the lad at college is taught to admire above modern writers Bossuet, Fénelon, Corneille and Racine. He commits to memory passages of their *chefs-d'œuvre*; their writings form part of his daily intellectual nourishment. The works of Voltaire, Rousseau, Hugo are regarded as synonymous with dangerous literature. Of course, when out

of the seminary, the trained admirers of Bossuet and Racine hasten, as after forbidden fruit, to form an acquaintance with Hugo and other lights of the romantic school; but notwithstanding this partial breaking away from tradition, the French-Canadian mind still keeps in touch with old French ideals in literature and art.

Naturally the clergy, who have contributed so much to maintain intact the national inheritance, look askance at the France of the laity. With the separation of church and state in that country and the secularization of schools, with government in the hands of free-thinkers, French-Canadian priests dread with good reason modern French influences.

This intellectual revolution in the old country has widened the breach between the two Frances. The ultra-Catholic French Canadian will not join hands with the sons of Voltaire. A large majority of Frenchmen never enter the church save to be baptized or married. In Quebec, absence from public religious practice is hardly known, attendance at church on Sundays being a rule everywhere observed.

In some spheres of secular action also French-Canadian and French minds have developed far apart. For example, in business methods the two very seldom agree, and the people of Quebec greatly prefer English ways of trade and commerce. This change has been brought about by the force of habit, commercial intercourse with France having become very limited. It must be borne in mind that for sixty years after the Conquest no direct trade existed between Canada and France.

Wit and humour, so native to France, have lost none of their force in Canada; they have outlived all changes, and shine as much on the shores of the St Lawrence as on those of the Seine. The late Hector Fabre, during a part of his life Canadian commissioner at Paris, often astonished his hearers by his brilliant speeches and sparkling conversation. He had few equals there as a finished after-dinner speaker, and kept his table companions in roars of laughter. Many other French Canadians have possessed a similar gift; they are more prone to enjoy the bright side of life than their

cousins *d'outre mer*. Taine, in his most remarkable work *Les Origines de la France Contemporaine*, asserts that his contemporaries are not so sprightly as their forefathers of the seventeenth century, and he argues that the change is due to psychological reasons. To be joyful, a man must not have anything preying on his mind : the old-time Frenchman considered his form of government the best and his religion the only true one ; his descendants are in grave doubt as to whether the best political constitution prevails, and unbelief is widespread. This modern state of mind does not induce mirth. During a century France has seen seven radical changes in constitutional régime : she has been ruled in turn by Jacobin tyranny, Napoleonic despotism, revived Bourbon monarchy, Orleanist responsible government, and then by ill-devised republican institutions, the second empire to be superseded in turn by the present republic.

No such uncertainty as to the form of government ever existed in Quebec. The habitant believes the rule under which he lives to be the best, and desires no change. As to his faith and destiny after death, the French Canadian entertains not the least doubt. Finally, prospects of war, with ruin and desolation in its train, unknown in Canada, always loom over France to damp the Frenchman's spirit and sadden his heart.

It has been observed by ethnographers that people of Teutonic origin have a stronger sense of the practical than the Latin races, while the latter have a quicker perception of art and ideals. The success of France has never equalled that of England in trade and commerce, but she has always excelled in fine arts and shown an aptitude for them more general than that of her neighbour across the Channel. The same comparison may be extended to Canada, where, in the race for wealth, the English have distanced their rivals. It must, however, be mentioned that French Canadians have been handicapped for fifty years by the want of capital, which flowed in abundance from London to English-Canadian banks.

In politics French Canadians have shown a steadiness

sadly lacking in France. In forty-five years the Province of Quebec, master of its local affairs since 1867, has witnessed only ten changes of cabinet, while Paris in less time (from 1870) has seen a procession of at least sixty successive administrations, sometimes at the rate of two or three in one year.

A general review of French-Canadian political history shows that wisdom and a deep sense of public duty have characterized its development. La Fontaine, Cartier, Taché, Dorion, Cauchon, Chapleau, Laurier have proved themselves worthy politicians of the English school. It must be confessed, however, that at times the masses have been carried away, like their kinsmen across the sea, by sentimentalism, or influenced by fiery tirades of high-sounding words.

To sum up, it is obvious that surface changes are visible between the French in France and those in Canada, but the blood and the racial characteristics have remained the same. There is dissimilarity, but no fundamental difference.

VI

THE 'COUREUR DE BOIS'

COLBERT'S plan of colonization aimed at making New France an agricultural country. It may be doubted whether the great statesman ever realized the difficulties and obstacles that stood in the way of such an undertaking. For twenty years after the foundation of Quebec the tilling of the soil, save in the vicinity of Quebec, was made impossible by Indian inroads ; the colony would have starved in its cradle had not food been imported from France. Even in 1689—the year of the Lachine massacre—it was not safe to wander any distance from the settlements. Still later (1692) Mademoiselle de Verchères had to stand a siege in the small stockade of Varennes against a band of Iroquois.

New methods of cultivation had to be found, for those of France could not be adapted to Canada ; and what a discouraging enterprise to the peasants of Normandy and

Central France was that of clearing the land and cutting down forests, with late springs and early frosts that were unknown in the mother country! On the other hand, beyond Quebec and Montreal stood forests teeming with fur-bearing animals. Hunting offered a mode of living more profitable than agriculture, and more attractive. It is no wonder that many settlers took to the woods and became *coureurs de bois*.

This *coureur de bois* plays a peculiar part in the history of New France. Brave to temerity, undaunted by the severest conditions of weather, sleeping in winter under a cover of deep snow, satisfied with very poor fare, he lived the life of an Indian with the cravings of a civilized man. It was his task to trade with various savage tribes on his path and sometimes to hunt on his own account, and it is easy to conceive how vigorous he became under this training. It prepared him for the hardships of a rough Canadian campaign if war broke out between Canada and the English colonies; no soldier could be found so well adapted to partisan warfare and guerilla tactics.

When the beaver became scarce about Montreal, the *coureurs de bois* had to wend their way towards the western regions. The itinerary they followed is well known. Starting from Montreal, they journeyed up the Ottawa, swept down the French River and then crossed Georgian Bay and Lake Huron. Between Lake Huron and Lake Michigan stood a halting station—Michilimackinac, a Jesuit mission. Here was a parting of the ways: some of the traders would now take a south-westerly course through Lake Michigan, while to others the route in a north-westerly direction by Lake Superior seemed preferable. The first route brought them among the Illinois and the Sakis, while the northerly course led to the country of the Assiniboines and other tribes.

The endurance of these *coureurs de bois* must have been extraordinary. The journey from Montreal to the principal stopping-place lasted fifty days. Each canoe laden with goods contained five men. But the water route was not continuous; frequently broken up by rapids, it had to be given up at times, and the traders were obliged to carry their

canoes on their shoulders for miles of portage. Game and fish offered the only food to be had on those wearisome journeys, and failure of these supplies meant starvation, unless the party could manage to subsist on roots until game once more appeared.

Their absence from home would sometimes extend to eighteen months and even to two years. No wonder then, if, on reaching Montreal, after living a life of such hardships, a few of them felt like giving themselves up to relaxation and enjoyment. But the misfortune was that both were carried too far, and, according to La Hontan, the pleasures that Montreal afforded gained the mastery for days of the man who for months had faced dangers, famine and death. When wine and gambling had exhausted his hard-earned money, the *coureur de bois* would again turn westward to get another supply of furs. Married men, and many of those who had suffered in former years from dissipation at such times, did not indulge in these frolics, but took a well-deserved rest in the midst of their families.

Michilimackinac, when Montreal was found to be too far from the hunting grounds, witnessed the scenes that La Hontan has described with his sarcastic pen ; and Father Corbeil, in strong terms, railed against the *coureurs de bois* for carrying their celebrations beyond decent limits. The good Jesuit's denunciation should not be taken too literally ; in a matter like this there is always a tendency to make sweeping statements and to lay the faults of the few at the door of the many. As a rule the *coureurs de bois*, after a few campaigns *aux pays d'en haut*, returned to Canada, married and settled on farms. But there were still too many who left New France to be permanent hunters or settlers in the West.

Great evils resulted to New France from this adventurous life of many of her strongest children. What might not these vigorous men have done on farms along the St Lawrence ! How many flourishing parishes might they not have founded ! Even before Frontenac's régime the disastrous consequences of the loss of so much strength to Canada began to be felt, and were pointed out to Louis XIV by Talon, who requested

that a stop should be put to the fur-hunting expeditions that drained the colony of its best blood. Then came from Versailles edict after edict restricting colonists from going into the woods without a permit; later on trespassers were made liable to punishment; but all to no avail. It was soon discovered at Versailles that these edicts would seldom strike the guilty. If the *coureur de bois* found himself open to the rigour of the law, all he had to do to escape punishment was to remain out in the bush; the trespasser had accomplices at Quebec or Montreal interested in his ventures, and on that account bound to protect him against police investigation.

The connivance of men in official positions aggravated the difficulty. Intendant Duchesneau charged Frontenac with being hand in hand with some fur traders, and Frontenac retaliated by laying a similar charge against Duchesneau. Finally, Louis XIV proclaimed a general amnesty to all colonists absent in the bush without leave. To their credit and honour be it said, when summoned in time of emergency by the king to rally round the flag, these adventurers came to the help of their fellow-colonists and showed themselves among the bravest soldiers.

The *coureurs de bois* have often been taken to task by modern writers, but their good points should not be overlooked. Let it not be forgotten that they introduced the first seeds of civilization far and wide, south and west in North America. Should posterity be unmindful of the services they afforded their king, through the great influence they had with the children of the forest? It was their friendship with the savages that caused so many Indian tribes to seek alliance with the Great Onontio.[1] That friendship never faltered as long as the French flag waved over New France. It is difficult to draw the line between discoverers and *coureurs de bois* when the latter included in their ranks men like Jolliet, Dulhut, Tonty, Radisson, des Groseilliers and others.

[1] Name given to the king of France. When de Montmagny was governor of Canada, his name, derived from the Latin, *Mons Magnus*, translated for the benefit of the Indian, became Onontio in the Huron idiom.

In his *Old Régime in Canada* Parkman draws this picture of the *coureur de bois*:

> No wonder that a year or two of bush-ranging spoiled them for civilization. Though not a very valuable member of society, and though a thorn in the side of princes and rulers, the *coureur de bois* had his uses, at least from an artistic point of view; and his strange figure, sometimes brutally savage, but oftener marked with the lines of a dare-devil courage, and a reckless, thoughtless gayety, will always be joined to the memories of that grand world of woods which the nineteenth century is fast civilizing out of existence. At least, he is picturesque, and with his red-skin companion, serves to animate forest scenery.

The *coureur de bois*, for a long time wandering at large through the forests in search of furs, did not disappear with the French régime. This curious and picturesque type, who seems to have inherited the nomadic propensities of old-time Norsemen through his Norman ancestors, has survived to the present day under a different name. The Norsemen gained the title of 'sea-rovers'—the *coureur de bois* appears in the light of an irrepressible land-rover.

Before New France had been formally ceded to England, we find some *coureurs de bois* (1761) hand in hand with an English trader, Alexander Henry. With their help he fitted out an expedition to the North-West, with a view to opening fur-trading operations after French methods. Later on, when the North-West Company was formed (1786), its ranks were filled by the successors of these *coureurs de bois*. Henceforth they became known as *voyageurs des pays d'en haut* or simply *voyageurs*. The daring of the old-time explorer and trapper, his hardihood, his good-humour in all weathers, are reproduced in his sons.

Henry, in the narrative of the expedition, has left us a vivid description of the manners and disposition of the voyageurs. When the hour had come to depart on their long journey west, they would rendezvous at Lachine and start in their canoes, to make a first stop at Ste Anne-du-bout-de-l'île. Here stood a church whither they would never

fail to repair before bidding adieu to civilization.[1] In this sanctuary earnest prayers were offered for the success of their expeditions. These religious duties being performed, the genial temperament of the men would burst out in a demonstration around a table replenished with simple but plentiful fare, as compensation in advance for fasting and hardships ahead. Henry states that very often the rum intended to serve the voyageurs in case of need during the entire expedition was all drunk at those memorable feasts. Songs and dancing went merrily on to a late hour of the night, and at daybreak, still under the influence of all this rollicking, the voyageurs would launch their canoes and ply their way westward.

In 1810 John Jacob Astor, then head of the now famous multi-millionaire family, founded the Pacific Fur Company for the purpose of diverting to the United States part of the fur trade of North America, then altogether in the hands of the English. To carry out his scheme he organized two expeditions, one to reach the Pacific coast overland and establish a settlement at the mouth of the Columbia River, and the other to sail round Cape Horn to the same point. For both expeditions Astor thought he could not do better to ensure success than engage Canadian voyageurs.

The celebrated American writer, Washington Irving, has penned a graphic narrative of Astor's undertakings, covering the work of both expeditions and the founding of Astoria at the mouth of the Columbia River. The fine qualities of the Canadian voyageurs could not escape Irving's keen observation. His clever pen-and-ink picture of the voyageurs is worth reproducing :

> The dress of these people is generally half civilized, half savage. They wear a capot or surcoat, made of a blanket, a striped cotton shirt, cloth trousers, or leathern leggings, moccasins of deer-skin, and a belt of variegated worsted, from which are suspended the knife, tobacco-pouch, and other implements. Their language is of the

[1] This reminds us of Moore's lines :

> ' Soon as the woods on shore look dim
> We 'll sing at St Ann's our parting hymn.'

same piebald character, being a French patois, embroidered with Indian and English words and phrases.

The lives of the voyageurs are passed in wild and extensive rovings in the service of individuals, but more especially of fur traders. They are generally of French descent, and inherit much of the gaiety and lightness of heart of their ancestors, being full of anecdote and song, and ever ready for the dance. They inherit, too, a fund of civility and complaisance; and, instead of that hardness and grossness which men in laborious life are apt to indulge towards each other, they are mutually obliging and accommodating; interchanging kind offices, yielding each other assistance and comfort in every emergency, using the familiar appellations of 'cousin' and 'brother' when there is in fact no relationship. Their natural good-will is probably heightened by a community of adventure and hardship in their precarious and wandering life.

No men are more submissive to their leaders and employers, more capable of enduring hardship, or more good-humoured under privations. Never are they so happy as when on long and rough expeditions, toiling up rivers or coasting lakes; encamping at night on the borders, gossiping round their fires, and bivouacking in the open air. They are dexterous boatmen, vigorous and adroit with the oar and paddle, and will row from morning till night without a murmur. The steersman often sings an old traditionary French song, with some regular burden in which they all join, keeping time with their oars; if at any time they flag in spirits or relax in exertion, it is but necessary to strike up a song of the kind to put them all in fresh spirits and activity.

Besides describing their general features and character, Irving points out the value of their work on the overland expedition to British Columbia. The dangerous navigation of the Missouri specially brought out the cleverness and strength of the voyageurs. During the tedious progress of the river the boat would be exposed to frequent danger from floating trees and great masses of drift-wood, or of being impaled upon snags and sawyers, that is to say, sunken trees presenting a jagged or pointed end above the surface of the water.

> On these occasions it was that the merits of the Canadian voyageurs came into full action. Patient of toil, not to be disheartened by impediments and disappointments, fertile in expedients, and versed in every mode of humouring and conquering the wayward current, they would ply every exertion, sometimes in the boat, sometimes on shore, sometimes in the water, however cold ; always alert, always in good humour ; and, should they at any time flag or grow weary, one of their popular boat songs, chanted by a veteran oarsman, and responded to in chorus, acted as a never-failing restorative.

Parkman has handled the *coureur de bois* unmercifully in his *Old Régime in Canada*. There he judged him on hearsay, but when personally in contact with voyageurs (the successors of the *coureurs de bois* in a new guise) he does not hesitate to record their sterling qualities. During the summer of 1846 Parkman visited Fort Laramie—a trip described in *The Oregon Trail*. He first wended his way to St Louis, where he was to take a guide. The youthful tourist says :

> On coming, one afternoon, to the office we found a tall and exceedingly well-dressed gentleman, with a face so open and frank that it attracted our notice at once. We were surprised at being told that it was he who wished to guide us to the mountain. He was born in a little French town near St Louis. . . . His age was about thirty ; he was six feet high and very powerfully and gracefully moulded. The prairies had been his school ; he could neither read nor write, but he had a natural refinement and delicacy of mind such as is rare, even in women. His manly face was a mirror of uprightness, simplicity, and kindness of heart ; he had, moreover, a keen perception of character. . . . Henry had not the restless energy of an Anglo-American. He was content to take things as he found them. . . . He was a proof of what unaided nature will sometimes do. I have never, in the city or in the wilderness, met a better man than my true-hearted friend, Henry Chatillon.[1]

With this guide Parkman took another man. 'This was Deslauriers, a Canadian with all the characteristics of Jean Baptiste. Neither fatigue, exposure nor hard labour could

[1] Francis Parkman, *The Oregon Trail*, pp. 16-18.

ever impair his cheerfulness and gaiety, or his politeness to his *bourgeois*. When night came, he would sit down by the fire, smoke his pipe, tell stories with the utmost contentment. The prairie was his element.' Parkman gives an amusing description of his journey, with Chatillon and Deslauriers driving his mules, 'wading ankle deep in the mud, alternately puffing his pipe, ejaculating in his prairie patois: *Avance donc, sacré enfant de garce!*'—a profanity which, with due deference to the illustrious historian, is not *patois*, but good French. Throughout the trip Parkman meets French Canadians of the voyageur class bearing such names as Dorion, Sorel, Labonté, Raymond, Reynal, Leborgne, Gingras. All this is evidence of the great number of *coureurs de bois* or voyageurs, who were the pioneers of the American West, all more or less resembling Henry Chatillon.

Another American writer and politician of great eminence, Colonel Roosevelt, in his *Winning of the West*, also bears evidence to the qualities as well as to the shortcomings of the voyageurs settled in the Ohio valley. Barring a few severe and unjust strokes of the pen, his description of the voyageurs is not unlike that of Washington Irving. He writes:

> The French inhabitants were in very many cases not of pure blood. The early settlements had been made by men only, by soldiers, traders and trappers who took Indian wives. They were not trammelled by the queer pride which makes a man of English stock unwilling to make a red-skinned woman his wife, though anxious enough to make her his concubine. . . . They were not very industrious nor very thrifty husbandmen. Their farming implements were rude, their methods of cultivation simple and primitive, and they themselves very often lazy and improvident.
>
> Under ordinary circumstances he was a good-humoured, kindly man, always polite—his manners offering an agreeable contrast to those of some of our own frontiersmen—with a ready smile and laugh, and ever eager to join in any merrymaking.

These French voyageurs ought to be remembered in history. According to an American author, their friendly intercourse with every Indian tribe contributed largely to

settle troubles and difficulties that arose frequently between the Americans and the redskins. It was through their efforts that treaties were concluded leading to acquisitions of immense tracts of land by the American government.

Colonel Roosevelt might have mentioned that many western cities recognize as their founders some of these dare-devil fellows who, in spite of all their faults, opened the way for the Americans into the Far West. In his *Les Canadiens de l'Ouest*, Joseph Tassé has published a very interesting account of the doings of French Canadians in the Western States. According to this writer, two men named Langlade were the first settlers of Wisconsin, at Green Bay. Many other French Canadians joined them. When Salomon Juneau, in 1818, put up a small house on the shore of Milwaukee River, he little dreamt that he was laying the foundation of a large and prosperous city of the future. Dubuque was looked upon as a king by all the Indians about La-Prairie-du-Chien, and Vincennes and Dulhut are remembered in the West to this day. Two counties in Minnesota respectively bear the names of Faribault and Rainville, both pioneers of colonization in that region. Parent, Gervais and Guérin were the first inhabitants of St Paul. It is hardly necessary to mention here that St Louis and Louisville were originally French colonies. Many other French names might be added to those just mentioned as founders of American cities. In 1699 the Jesuits Pinet and Bineteau founded a mission on the present site of Chicago, where, in 1830, Colonel Beaubien established a small village. This now famous spot was first mentioned by La Salle.

In this same class of hardy pioneers of the wilderness can be included the shantymen, who, since the beginning of the last century, have wintered in the lumber camps north of the Ottawa and Timiskaming region. In these voyageurs, as they are still called in Lower Canada, the characteristics of the old *coureur de bois* can easily be traced.

The extraordinary ability of the *coureurs de bois* to contend in the wilderness with difficulties under which Europeans would have succumbed, their ingenuity in finding means to overcome unforeseen difficulties, were well known, not only

to the North-Western *bourgeois*, but also to many people in England. In 1819 Sir John Franklin took advantage of their peculiar qualifications: to carry on his expedition of exploration of the Coppermine and Mackenzie districts (in 1819-20-21-22) he secured the services of several French Canadians. Out of twenty-five men composing his party, including himself and his officers, nineteen were voyageurs.[1]

Before starting on his mission to Khartoum to attempt the rescue of Gordon, the late General Wolseley requested the Canadian government to dispatch three hundred voyageurs to help his soldiers in their arduous campaign. He had had occasion to appreciate the qualities of the voyageurs when, in 1869, he commanded the North-West expedition sent to Fort Garry to quell the Riel uprising.

Voyageurs, shantymen, trappers, and western hunters of the nineteenth century were the lineal descendants of the *coureurs de bois*. Colonel Roosevelt estimates that when the United States took possession of the West in 1778 there were about four thousand Frenchmen equally divided between Wabash and Illinois villages, and two thousand in and around Detroit. It is a cause for regret that the nomadic disposition of these people caused them to emigrate in such large numbers to the West. This loss of population was most detrimental to the prosperity of New France.

Men of extraordinary endurance and great courage, the voyageurs have performed useful work in the interests of civilization, if not in their own; they have also contributed to build the fortunes of Hudson's Bay and North-West lords of the forests, and of our wealthy lumbermen. Their great fault was, as Parkman says of Henry Chatillon, that they were satisfied to take things as they found them.

[1] In his book, *A Journey to the Shores of the Polar Sea*, Sir John gives the names of his party. They are as follows: John Franklin, R.N., John Richardson, M.D., George Back, R.N., Robert Hood, R.N., Frederick Wentzel, N.-W. Co., John Hepburn, seaman. French voyageurs: Joseph Peltier, Mathieu Pelonquin, Salomon Bélanger, Joseph Benoit, Joseph Gagné, Pierre Dumas, Joseph Forcier, Ignace Perrault, François Samadre, Gabriel Beauparlant, Vincent Fontaine, Vaillant, Parent, Bélanger, Belleau, Cournoyer, Teroahauté, an Iroquois, Adam, and St Germain. A few more voyageurs were engaged later on.

VII

THE HABITANT AS A SOLDIER

WHETHER farmer or *coureur de bois*, the Canadian colonist could be turned into an efficient soldier. While his training did not fit him for regular warfare, he stood in the front rank as a skirmisher and ranger. His endurance and bravery never failed under the most trying conditions; and even when the cause for which he fought seemed irretrievably lost, as during the Seven Years' War, he was never seen to falter; for at such times his actions were governed by one thought—his life belonged to the king. There was almost no age limit in the Canadian military service. Garneau speaks of a company in whose ranks appeared seven men of sixty years and over, and some of less than eighteen; every man was considered fit to carry arms; and this accounts for the extraordinary proportion of 15,000 militiamen in a population of about 60,000.

What is now known as 'partisan' warfare best suited the temperament of the habitant; for fighting of this nature involved much endurance, determination and intelligence. The expeditions directed against New England by Frontenac and Vaudreuil, although not especially commendable according to modern standards, involved the greatest amount of patience and courage under adverse circumstances.

Everyday life in New France constituted an excellent training for military duty of this nature; moreover, many of the habitants were disbanded soldiers who had acquired experience on the battlefields of Europe. As Parkman has remarked:

> The French system favoured military efficiency. The Canadian population sprang in great part from soldiers, and was to the last systematically reinforced by disbanded soldiers. The Canadian government was essentially military. At its head was a soldier nobleman, often an old and able commander; and those beneath him caught his spirit and emulated his example. In spite of

> its political nothingness, in spite of poverty and hardship, and in spite even of trade, the upper stratum of Canadian society was animated by the pride and fire of that gallant noblesse which held war as its only worthy calling, and prized honor more than life. As for the habitant, the forest, lake and river were his true school ; and here, at least, he was an apt scholar. A skilful woodsman, a bold and adroit canoe-man, a willing fighter in time of need, often serving without pay, and receiving from government only his provisions and his canoe, he was more than ready at any time for any hardy enterprise ; and in the forest warfare of skirmish and surprise there were few to match him.

The surnames of many French Canadians of the present generation give evidence that their forefathers belonged to the army. Any English-speaking Canadian with some experience of the people in Quebec must have met a Taillefer or Sans Souci, a Tranchemontagne, a Sans Quartier or Portelance, high-sounding names coined to fit some peculiar qualifications of soldiers.

The reputation of the habitants, and especially of the *coureurs de bois*, crossed the Atlantic. They were often sought by the captains of privateers, who found in them more endurance, more daring and more dash than in the ordinary Breton sailor.[1]

A certain Aubert, who visited New France about 1663, wrote as follows about the habitants :

> As to their bravery, even if it had not come to them with their French blood, the manner of fighting Iroquois and other savages of this continent, who almost always burn their prisoners alive after inconceivable tortures, has resulted in causing the French to look upon ordinary death in battle as a blessing, compared to the danger of falling alive into the hands of the enemy. This is why they fight with desperation and with the utmost indifference for their lives.

Another writer remarks :

> The French of Canada are well-built, robust, smart—with perfect health and well able to stand any amount

[1] Salone, *Colonisation de la Nouvelle France.*

> of fatigue, and warlike. For this reason, French generals have, during the late war, given [promised, would be more correct] one-fourth more salary to French Canadians than to Frenchmen. All this bodily strength is derived from the invigorating air in which they are born, from abundance of healthy food, from the liberty enjoyed to indulge, from childhood, in fishing, hunting, and travelling in canoes, all of which require a great amount of exercise.

The severe conditions under which French Canadians were brought up are strongly exemplified by a statement that would hardly be credited, did it come from a less reliable observer than Marie de l'Incarnation :

> It is astonishing to see here the large number of children very fine and well formed, without any physical deformity save through accident. A man will be found with eight children and more ; children who during winter go about bareheaded with nothing on their backs but light, short underwear [*petite camisole*], and who live only on eels and bread and still are stout and fat.

Let us now follow these hardy peasants to the field of action. When in 1755 General Braddock met the French forces not far from Fort Duquesne (Pittsburg), the brunt of the battle was borne entirely by French Canadians and their Indian allies, under Beaujeu and Dumas. Regular troops were so badly beaten by the militia that Washington, one of the officers engaged in the affair, wondered how such 'good English troops could have been defeated by a handful of French whose object was only to embarrass our advance. Before the engagement we thought our forces were almost equal to all those of Canada.'

When Montcalm's regular troops ran in utter disorder from the Plains of Abraham towards Quebec, French Canadians, who had been placed on the wings, charged the victors and thus prevented a complete annihilation of their comrades. On the same field in the following year Lévis, who won the last laurels that a French general carried from Canada, owed his victory to the habitant-soldiers, who, divided into two corps, fought as militiamen, and also in the ranks of royal regiments,

for they had to a large extent filled the decimated files of the regulars. The valour of the habitant did not vanish with the change of régime : the annals of 1775-76 and 1812-13 go far to show that, if Canada was saved from American invasion, the result was due in no small measure to the courage and endurance of the fighting habitant.

For several months after his arrival in Canada, Montcalm showed a certain distrust of Canadian militiamen. His mind had been biased against them by unfavourable reports from his subordinates, regular soldiers being at all times prone to belittle the strength of volunteers. Tradition has it that on one occasion Montcalm went so far as to call his habitant militiamen from the capital *Moutons de Québec.* But he altered his opinion after witnessing their work in several actions, and declared that they presented splendid fighting material. ' Within six months,' he once said, ' I would transform them into grenadiers,' and later on, as though he wished to make amends for his first hasty judgment, he often expressed his sympathy *pour le Canadien, le simple habitant.* But it was during the Seven Years' War that their patience, endurance and prowess were submitted to an ordeal such as one is inclined to think no other group of men could have borne. Misfortunes came one upon the other on the French-Canadian colonists. Enraged at their stubborn resistance, the cause of several of his defeats in the field, Wolfe decided to treat them almost as outlaws. He called upon them to stop fighting under the pain of having their properties burned down ; also to remain neutral and not interfere in the quarrel between French and English. He issued a proclamation containing the following words :

> The formidable sea and land armament, which the people of Canada now behold in the heart of their country, is intended by the King, my master, to check the insolence of France, to revenge the insults offered to the British colonies, and totally to deprive the French of their most valuable settlement in North America. For these purposes is the formidable army under my command intended.
>
> The King of Great Britain wages no war with the industrious peasant, the sacred orders of religion, or the

> defenceless women and children; to these, in their distressful circumstances, his Royal clemency offers protection. The people may remain unmolested on their lands, inhabit their houses, and enjoy their religion in security; for these inestimable blessings, I expect the Canadians will take no part in the great contest between the two crowns.
>
> But if, by a vain obstinacy and misguided valour, they presume to appear in arms, they must expect the most fatal consequences; their habitations destroyed, their sacred temples exposed to an exasperated soldiery, their harvest utterly ruined, and the only passage for relief stopped up by a most formidable fleet. In this unhappy situation, and closely attacked by another great army, what can the wretched natives expect from opposition?

What a strange view of the situation! Were not the militiamen French subjects to all intents and purposes, as well as their comrades of the regular army? Had they not fought in former wars to save their country from defeat?

The French Canadians, of course, paid no attention to Wolfe's threats, and these were consequently fiercely carried out. The New England Rangers let loose about Quebec laid the country waste for miles around. Fire did its work so well that no houses or barns were left standing; it swept every village in the Island of Orleans and on both shores of the river to Murray Bay and Rivière Ouelle. In accordance with the practice of Indian warfare, Major Rogers, commander of these fierce marauders, brought back to Wolfe's headquarters the scalps of several French habitants. Fire and sword had played their part to perfection. Fighting for his home and king brought to the French-Canadian colonist desolation and misery.

We find in the *Mercury*, December 31, 1759, an authentic record of the loss inflicted on the habitants: 'We burned and destroyed upwards of fourteen hundred fine farm houses, for we, during the siege, were masters of a great part of their country along shore, and parties were almost continually kept out ravaging the country; so that 'tis tho't it will take them half a century to recover the damage.'[1]

[1] *A Journal of the Expedition up the River St Lawrence, etc.*

In defiance of Wolfe's threats and in spite of the hard treatment meted out by a gang of dishonest officials, the habitants remained true to their king—however undeserving—and to their country. Their answer to those who tried to dishearten them is almost sublime in its heroic simplicity: 'Let the king take all we have, as long as there is a chance to save Canada.'

What of their private interest all through this frightful war? During their absence from home it rested with women, and children under sixteen years of age, to attend to farm work in general from seed-time to harvest. What amount of hardships this absence of the men from their families involved can well be imagined. During the Seven Years' War, out of a population of 60,000 French Canadians, 15,000 were under Montcalm and Lévis' orders, fighting for what was to many of them a lost cause. Heroism and self-sacrifice can hardly reach a higher level.

As the end drew nearer, their lot grew worse. Whilst hundreds of militiamen were at the point of starvation, Bigot and his gang of thieves plunged into a series of orgies, took advantage of the scarcity of provisions to advance the price of the necessaries of life, and actually caused a famine by locking up provisions in the king's stores. In the king's name stock was taken from the farms at an almost nominal price and sold at a high rate. Eighty livres were paid for an ox disposed of afterwards at the rate of twelve hundred livres. To add insult to injury, the habitant-soldiers' pay was handed to them in the form of card money, which had a value of but ten to one for gold. This was not all, for when this card money became redeemable, after 1763, the loss was even greater.

There was nothing to cheer them up in their distress, no silver lining to the cloud of woes around them. How different it would have been if France had shown some sympathy for her poor forlorn offspring! But when the habitant was sinking in the throes of the Seven Years' War, Louis sent to Canada 3400 soldiers, while England, with a population scarcely half that of France, could spare 20,000 men for colonists without any devotion to her cause. Thus was

Canada forsaken ; and it is even more humiliating to find that many people in Paris even felt a sensation of relief when they heard that Canada was lost to France. ' What a silly idea,' wrote Voltaire to Madame du Deffand, ' to settle down in Canada on snow drifts, between beavers and bears.'

It was the same man who in *Candide* scornfully described France and England as ' two nations fighting for a few acres of snow in Canada, and spending in war much more than Canada was worth ; ' the same again who says that he went down on his knees begging Chauvelin, one of Louis XV's ministers, to abandon Canada. Voltaire's opinion of Canada was not an exceptional one in France. To many of his contemporaries the country only recalled visions of snow and ice, Indian tribes and wild animals. Snow, above all, depreciated the value of Canada in the eyes of all Europe, even up to a very recent date.

With the capitulation of Quebec and Montreal the final defeat should have come to the habitant as a relief and a blessing. Had he not done more than his duty to an indifferent government that could send thousand after thousand of soldiers to help strangers and in the meantime desert her children beyond the sea ? Still, the habitant could not witness without a pang the departure of his companions in danger, in victory and defeat, and above all the lowering of the fleur-de-lys.

Et dulces moriens reminiscitur Argos.

VIII

THE HABITANT UNDER THE OLD RÉGIME

ALL through the history of New France, from the days of Champlain to the Battle of the Plains (1608-1759), the civil and social life outside Quebec and Montreal rested on two pillars, the priests and the seigneurs. Of these the first was the more important : clerical influence, wielding every power, had ruled the colony until Talon came and organized the civil authority. This apparent trespass of

religion upon a field foreign to its mission came as a necessity of the times, caused by the indifference of the One Hundred Associates to everything save their own interests, or their inability, as their apologists would have it, to comply with the terms of their charter.

Scattered on both shores of the St Lawrence, from La Malbaie (Murray Bay) on the north and Rivière Ouelle on the south, to Montreal, and along the Richelieu to Chambly, the colonists were out of direct contact with the government at Quebec. Bad roads made the journey by land from Montreal to the capital a matter of from five to ten days; and by the river, with contrary winds, the voyage would take as long. The real authority, the ever-present rule, rested with parish priests and seigneurs. What may be called a modified feudal régime had been introduced into Canada under the charter of the One Hundred Associates, and continued under the royal government or Sovereign Council.

To encourage colonization, Talon and the French government, as already explained, made it a rule to grant large tracts of land *en fief*. These grants remained valueless if the hand of man was not there to clear the ground and cultivate the soil. Landlords were therefore interested in disposing of their property and inducing settlers to take up farms. These came as valuable gifts to the penniless newcomer, who had only to pay to the seigneur a few francs a year or a sou per acre to become a landowner. What a boon for the poor emigrant who in France had never possessed a foot of the soil, and could never hope to acquire any, who did not even own the six feet of land where he was to be buried after a lifetime of toil!

In New France the habitant, farming for his own benefit, was really a proprietor, for the tenure allowed him to sell his farm. This system has existed to the present day, as far as the system of rents is concerned. Considering the circumstances of time and country, it was the best-devised plan to colonize and attract immigration.

In 1835 the seigneurial tenure was violently attacked in Lower Canada. It was argued that it raised a barrier against immigration and kept land locked up. On the other

hand, it was shown before the committee of the legislature that large companies in the Eastern Townships held up from intending settlers immense districts to be disposed of later, when the price of land should have gone up high enough to satisfy the owners, rich men in England. This could not be done under the seigneurial tenure, as it was a condition of the grant that the land should be opened to any settler; the seigneur only held the land in trust to promote colonization. After the French régime, colonization having taken a free and wide scope, the old tenure had outlived its usefulness. Posterity must not, however, be unmindful of its excellent service in the infancy of the colony.

The seigneur's first duty consisted in building a grist-mill where the *censitaires* could take their grain to be turned into flour and meal. Among his privileges, the right of *basse, moyenne et haute justice* invested him with great power, which, however, was seldom, if ever, exercised. Differences between habitants were settled in a friendly manner, seigneurs playing the part, as the language of French law puts it, of *amiables compositeurs*. In time of war the seigneur was naturally called upon to take command of all his *censitaires*, who were to be ready for active service.

Wealth did not come with the seigneurial grant. Seigneurs were scarcely better off than the *censitaires* who paid them a paltry rental for their farms. It was only in more modern times, when all the lands available for agriculture were taken up, that seigniories began to give an appreciable income. Many seigneurs were obliged to cultivate the soil to avoid starvation, and for several of them—noblemen who had come to Canada to better their condition—this effort proved too great. Soldiers by tradition and atavism, they could not turn their swords into ploughshares, and so took to the forests to become *coureurs de bois*.

These grants of land did not convey a title of nobility. They were transferred to merchants, and even to farmers. The seigneur was, however, considered the first man in the parish. Over two hundred grants (227, to be exact) were made under the French régime. They were laid out on both sides of the River St Lawrence, and parcelled off in narrow

strips averaging between one and a half and three acres in width, each of them fronting on the river. Strangers visiting the Province of Quebec often wonder why farms are cut up in such narrow strips, presenting, at a distance, a ribbon-like appearance. The reasons for such a practice are evident to the student of Canadian history: in the early days of colonization the settlers felt the necessity of being as close together as possible, to form at a moment's notice, in time of danger, a nucleus of fighters against Indian marauders. Moreover, a fondness for friendly intercourse with their neighbours, natural to Frenchmen, also induced them so to build their homes that they might conveniently meet their fellow-colonists in the social gatherings that were almost a necessity in their isolation. The roadways along the watercourses, obstructed by ruts and stones, made travelling difficult during both spring and fall. Under these conditions the rivers—*des chemins qui marchent*, as Pascal called them—offered the habitants a far more convenient highway, even in winter, for it was quite easy to journey over the ice.

A still more important factor in the moral and intellectual formation of the French-Canadian settlers appeared in the person of the priest or missionary. Even more than the seigneur he contributed to the shaping of the minds and morals of the habitants through the invigorating influence of religion. He it was who watched over their conduct and directed their attention to objects less ephemeral than earthly concerns. He it was also who cheered the poor settler in his labours to extract from the soil a hard-earned living, under very trying circumstances of climate and dangers from Indian attacks, and ever kept before his eyes a vision of future happiness and reward hereafter.

If an emergency or the necessities of the moment required his action in matters foreign to his calling, no priest would hesitate to give help. Some, like the priest of Rivière Ouelle, led their flocks to battle. One summer day in 1690 Francheville, parish priest of this small village, saw many sails in the distance. It was Sir William Phips's fleet on its way to Quebec. The priest noticed that several boats, full of men,

had left the ships and were heading for the shore. Suspecting an attack on the village, he rang the chapel bell to call his flock together. The apostle who had long been teaching peace and goodwill to all men, now sounded a warlike note, roused the courage of his hearers, and exhorted them to repulse, even at the price of their lives, these enemies of their king and religion. He then directed his flock how to play their part in the coming fray. They were to lie in ambush until all the English had set foot on the beach, then at a given signal fire their guns and scream Indian fashion. These instructions were carried out to the letter. When Phips's men landed their surprise was great, and thrown into confusion by this unexpectedly hot reception they hurriedly retreated to their boats.

This was an exceptional incident in a priest's life. Settlers were wont to admire him in a different light. When the missionary was not engaged ministering to the spiritual wants of white men, he was found among the savage tribes seemingly courting the dangers of martyrdom every day. Let us remember Father Jogues, a Jesuit who, having suffered frightful tortures and having been mutilated by the Iroquois, nevertheless returned to these barbarians to offer a treaty of peace. They answered his overtures by putting him to death.

When following their ordinary calling among settlers, the priests had to put up with so many hardships that their health very often gave way under the strain. As they were not very numerous, it was their task to visit one settlement after another, sometimes paddling their canoe along many streams, sometimes travelling on snow-shoes over deep snow, in all weathers sleeping in the open air.

It was a joyous day among the settlers when God's envoy landed in their midst. They all met in the house selected to celebrate mass, and derived infinite solace through the performance of their religious duty. Happy was considered the settler who had harboured the priest. It was a custom for this privileged habitant to entertain all his friends. After the repast, consisting sometimes of very meagre fare, a conversation would take place during which the missionary was

wont to put questions to his flock on various subjects. Then, acting in the capacity of a judge, he would make inquiries to find out if misunderstandings existed among them. If there were any, he would set himself to remove them to the general satisfaction.

Bishop de Saint-Vallier wrote :

> Each household represents a small and well-regulated congregation or community where morning and evening prayers are said in common, with private examination of conscience before meals. Fathers and mothers act like priests in their absence, with regard to the conduct of children and servants. They loathe idleness and are always occupied with some work. Private individuals are clever enough to learn several trades. Thus, without having been taught, they can do almost anything.

Until a fairly recent date farmers in Lower Canada kept up this practice : it was a very common part of their work to be blacksmiths, wheelwrights, carpenters, while women wove linen and *étoffe du pays* to clothe the members of the family.

New France was reared in a religious atmosphere from its earliest days ; its cradle was a church. The religious tradition has been kept ever since in every Quebec parish. To make colonization a success, the first necessity is a chapel, be it ever so small. To be located out of reach of a church is looked upon, by women especially, as a great misfortune. Every effort is made to attend mass or vespers on Sunday. Those unavoidably kept at home kneel down when the church bell rings at the elevation of the Host. Very little has been changed in the religious conditions of Quebec since the days of Laval and Saint-Vallier.

Under this religious influence the French settlers developed into vigorous men with healthy minds, according to the Latin ideal—*mens sana in corpore sano.* They became well trained for a life of hardships and dangers, seldom relieved by strokes of fortune.

French immigrants, as a rule, belonged to a good stock ; most of them could read and write, as the earliest registers

of births, marriages and deaths bear witness. Many of their descendants were not educated to the same degree. How could schools be maintained in new settlements with a thin population scattered over a large area of country? It is easy also to understand the difficulty of finding teachers. To keep alive was the first object, and this demanded almost superhuman effort. Yet there did exist a few schools, colleges and convents throughout New France.

Parkman in his *Old Régime in Canada* pictures the French colonists as a semi-civilized rabble. But have these much-abused habitants given such examples of savage superstition as the Puritans of his own state who burned women at the stake in Salem? Parkman was too well versed in all the annals of American history to be ignorant of these executions of so-called sorcerers. 'Eight supports of hell,' said pastor Noyes, pointing at the victims of an inconceivable superstition, 'are hanging to the gibbet.' Did Parkman not know, when passing judgment on Canadians of old, that twenty persons were put to death in Salem for an imaginary crime, and that fifty more only escaped death by confessing to this false charge with promise to amend?

Will it be considered unfair in this connection to quote Bancroft, who states that 'the colonization of our country is the history of crimes of Europe'? This was exceptional; we are satisfied and glad to recognize that the English colonists south of Canada were as a rule men of sterling character, high-minded, having sacrificed their homes in England to find religious liberty in America; if they did not in turn extend this liberty to Catholics, it was due to the spirit of the day. At that time religious prejudice was untempered by the spirit of toleration—a word, indeed, not to be found in the vocabularies of those days.

Even Parkman, who in his last works on Canada is not favourably disposed towards the habitants, is fain to confess that during the eighteenth century some improvement is perceptible in the moral state of the population. 'As it became more numerous and more stable, it also became less ignorant, and towards the end of the French rule was

probably better taught, so far as concerned religion, than the mass of French peasants. Yet secular instruction was still extremely meagre, even in the *noblesse*.' 'In spite of this defective education,' says the famous navigator Bougainville, who knew the French colony well in its last years, 'the Canadians are naturally intelligent. They do not know how to write, but they speak with ease, and with an accent as good as the Parisian.' He means, of course, the better class. 'Even children of officers and gentlemen,' says another writer, 'scarcely know how to read and write; they are ignorant of the first elements of geography and history'; and evidence like this might be extended.

That the early habitants, in spite of their warlike disposition, distinguished themselves in time of peace by a great kindness of heart and congeniality seldom found among European emigrants to America and Africa cannot be questioned. These qualities contributed largely to win over to France nearly all the Indian tribes. The habitant differed vastly from the distant and haughty English colonist, who was overbearing in his intercourse with the children of the forests, and only able to attract them by sheer interest. This disposition of the colonist to consider the redskin as a brother contributed greatly to the work of winning them over to Christianity and the Catholic Church. French women often took charge of Indian papooses and nursed them like their own babies.

It has been shown that during the first period of colonization (from 1608 to 1663) Canada constituted a sort of religious congregation or theocratic state, with priests ruling every settlement in the absence of civil power. Besides the Jesuits and Franciscans, prominent in every group, there lived in the cities exceptionally high-minded ladies whose influence over the people must have been very beneficial. History has classed among the most heroic women of the world, Mademoiselle Mance, who at the risk of her life followed de Maisonneuve to Montreal, and Madame de la Peltrie, who forsook position and social advantages in France to lay the foundation of a convent at Quebec. Her zeal for the conversion of young Indian girls and devotion to spiritual

interests were only equalled by the virtues of her friend Marie de l'Incarnation, who wrote such remarkable letters on New France and whom Bossuet likened to St Theresa, the celebrated mystic of Spain. Endowed with the same qualities, Marguerite Bourgeoys, foundress of the Congregation of Notre Dame, is entitled to the veneration of posterity. The life of self-denial, energy and fearless resolution in their strenuous enterprise that these women led set an example that greatly helped to frame the mind of the pioneers of New France.

We have seen that during the first period of colonization the habitant laid the basis of New France under most trying circumstances. His condition improved when Talon, temporarily at least, placed Canada on a sound basis. Still, the necessity of opening up new fields for colonization and the frequent wars with New England and her sister colonies made it needful for the habitants to maintain their great physical vigour. This training, combined with vigilant moral education, contributed to frame that high character and loyalty to the king and faith that characterize the habitant under the French régime.

IX

THE HABITANT UNDER BRITISH RULE

A FEW years after the Treaty of Paris (1763) a French Canadian, de Lery, visited England. He went to London and was presented at court with his wife. George III, on seeing the lady, exclaimed : ' Madame, if all Canadian women resemble you, I have indeed made a fine conquest.'

If George III had been well informed on Canada, he might have generalized his flattering appreciation. In fact, there had been lately added to his subjects an honest and vigorous set of men who were to be as loyal to him as the British-born. Their late experience had been terrible ; for six years New France had been turned into a battlefield,

and its inhabitants had suffered from all the hardships of an invaded country. Many had met the fate of unknown heroes; those that remained could be considered as fortunate, if happiness can co-exist with defeat and mourning.

A more healthy race could not be found than these vanquished farmer-soldiers. According to Hocquart, the intendant in 1737, 'the Canadians are as a rule tall, well-built and of strong cast.' Father Charlevoix writes in his *Journal de l'Amérique septentrionale* (1721): 'We cannot find in our kingdom a province where blood is finer, the stature so erect and the body better proportioned than in New France.' Another writer who visited Canada was struck by the large number of strong and erect old men that he had met between Quebec and Montreal.

The Canadians of the French régime were indeed ignorant, but any other intellectual state would have been miraculous. Between the foundation of Montreal (1642)—the real starting-point of New France as a firmly established colony—and its downfall (1759) there elapsed 117 years. During that space of time there was only a short period of peace. Five long wars between France and other European countries involved her colony in hostilities in North America. Before Tracy and Courcelle's second expedition against the Iroquois, New France had been at the mercy of these Indians for over twenty-five years. And even after their defeat the country was not very secure until a general treaty of peace was concluded at Montreal (1701), under de Callières' administration, between France and all Indian tribes, including the Iroquois. Could education have flourished under such conditions?

In colonial undertakings men are always governed by the same laws. Their first imperative duty is to take hold of the land and make its possession peaceful; then comes another necessity—that of finding the means of extracting a living out of the soil. Education is thought of when the sun of prosperity and security has begun to shine over the country. It was a difficult task to attract new settlers to Canada. How could one expect teachers to come to an undeveloped country? And after all, education was not,

so to speak, a drug in the market of Europe in those times. The official documents of sixty years ago disclose an astonishing amount of ignorance among the common people of England and France.

However, there were always in New France groups of men well educated and perfectly qualified to appear in society and to play their part in the small Versailles then existing at Quebec. According to Kalm, a Swedish botanist who travelled in Canada and New England in 1749, Quebec and Montreal could be proud of their leading men, whose company was quite attractive. He even goes the length of saying that he took more delight in Canada than in New England.

According to this Swedish savant, people of note in Canada showed as a rule more taste for natural history and literature than men of the same class in the English colonies, where the only ambition was to get rich quickly and where there was the utmost contempt for science.

Charlevoix remarked that Canadians were possessed of remarkable aptitude in mechanical labour; they excelled in this line without having received any lessons. This observation stands true to this day. In the Ottawa and Hull mills French-Canadian workmen very often show remarkable mechanical talent.

Kalm was particularly struck by the refined manners of Canadian women: 'They are well brought up and virtuous, and show a sort of *laisser-aller* which wins your sympathy by its innocence. They dress very well on Sundays, but with less care on week days; only their hair is always well taken care of.' At the same time he makes a rather harsh observation on Quebec girls: 'Their manners border on too much freedom.' Here he mistook appearances for reality. Montcalm indulged in similar remarks about Quebec women before he had become well acquainted with them. He was deceived by their easy-going ways, but when his experience had extended over several years he altered his opinion. 'Their coquettish smiles do not amount to anything; it comes from their fondness for admiration, but ends there.'

Friction soon arose between Canadian-born inhabitants and Frenchmen lately arrived in Quebec or Montreal. The latter assumed airs of superiority towards the habitants, who in turn got even with these haughty newcomers by charging them with excessive pride and doubtful merit. Men in office in particular did not conceal their poor opinion of Canadians. Intendant Hocquart, whose praise of their physical appearance has just been quoted, goes the length of saying that they were vindictive to a degree, without any love for their parents, who were too fond of them. This is not all ; we come to more serious charges. They were untruthful, and were almost as fond of liquor as the Indians. He also blames them for their laziness. Long winters, during which no outdoor work could be done, were largely responsible for this failing. However, their industry in opening up the country on both shores of the St Lawrence to a great extent disproved this charge.

Pouchot, a French officer who commanded at Niagara during the Seven Years' War, depicts Canadian militiamen as impudent braggarts. He had not met, he writes, a single Canadian soldier who did not boast of having killed at least half a dozen Englishmen.

One has sometimes to go away from home to get justice. Looking at the newly conquered subjects, General Murray, who at first seemed prejudiced against them, reported to the colonial office in his capacity of governor-in-chief, that the Canadians were ' good people, frugal, moral, industrious, and the bravest race under the sun. '

Such were the men whose life in Canada had been a constant struggle against adverse circumstances. They stood firmly planted, like trees that send their roots deeper in the soil when shaken by the storm.

At the change of régime they numbered 65,000 souls, a very small population considering that from Champlain to the capitulation of Montreal a period of 150 odd years had elapsed. Yet the French settlers, with scanty means at their disposal, had transformed the country. The fact must not be lost sight of that on Talon's arrival at Quebec (1665) the population of New France was less

than 3000. During the seven years of his administration it increased to 10,000 from natural growth and immigration.

This was the only time at which France assisted her colony. When Louis XIV launched himself into those terrible wars during which he stood alone against almost half of Europe, no immigrants could be spared for Canada. Let us remember that in the seventeenth and the first half of the eighteenth century France ranked first in Europe in point of population, strength and civilization. It was the paramount concern of king and ministers of that time to maintain its prestige. One cannot, however, help deploring the policy that sent so many men to fight all over Europe, and so few to Canada.

Those 65,000 colonists, transferred, by the fortune of war, to another flag, constituted an imposing contingent of population. All of one mind, all of one creed, they presented a uniform front, bearing the stamp of old Normandy with its good points and its bad. Save in the matter of sentiment, they had little to regret in their separation from France. Had not its government almost abandoned them to the tender mercies of the enemy, shutting its ears to all requests for help? 'Why do you not send soldiers to Canada?' had said one of Montcalm's lieutenants to a minister at Versailles. 'When the house is on fire, we cannot look after the stables,' was the reply.

The seigneurs co-operated with the clergy in the work of changing the allegiance of their friends. To the former George III appealed more strongly than Louis XV, who, under Madame de Pompadour's influence, had disgraced the throne of France. The habitants, moreover, had been revolted by the infamous conduct at Quebec of Intendant Bigot and his associates, who, besides robbing the country, had reproduced, on a small scale, the scandals of Versailles.

The first contact of the vanquished with their new masters could not but be painful, and for fifteen years they would have known all the hardships of the *vae victis*, had not fortunate circumstances favoured them. That they should have

become reconciled at once to their fate would have involved a change of mind almost superhuman. But with time it came. It has already been demonstrated that the most powerful influence in New France was that of the clergy, and, be it said to their honour, they endeavoured to smooth over asperities between the government and the king's new subjects. It was the will of God that they should be conquered, and in the name of God the habitant was called upon to submit to his fate. The country people bowed their heads to this order, and, accepting the inevitable, became reconciled to the change.

X

THE HABITANT UNDER THE NEW RÉGIME

THE first years following the downfall of French rule constituted for the new subjects of the English king a period of agony and despair resembling the death-throes of a nation. At a time when they were exhausted by a long series of wars, and ruined by the maladministration and exactions of Bigot and by the loss of their crops, the Canadians had to face masters who bore them little goodwill. From the capitulation of Montreal (1760) until 1774, when the Quebec Act shed upon them the first rays of long-deferred justice, they were governed in violation of the articles of capitulation, of the Treaty of Paris and of the laws of nations.

The royal proclamation of 1764 deprived them of their laws, and the test oath made them aliens in their own country, on the very soil that their fathers had wrenched at the price of their blood from the grasp of barbarism.

This tyranny affected the habitants but little. After the war they returned to their farms, in many places laid waste, especially about Quebec. Everywhere the work of destruction was visible: churches, houses and barns were nearly all burned out. By no means discouraged, the farmer set to work to rebuild his home and bring back a small measure

of comfort. Isolated in the country, with no neighbours but his own kith and kin, he did not feel the change of régime ; if he was conscious of a new order of things, he could, by his peculiar situation, escape all government interference in his daily avocations. During the military rule, from 1760 to 1764, justices of the peace were appointed, but the peasants made their mission a sinecure. If any trouble arose between neighbours, the case would be submitted to the curé for settlement. Peace, without any intrusion of English authority, reigned supreme. It was different in the cities, where the rude official hand was severely felt. There had come from England and the English colonies to settle in Canada men of doubtful character, adventurers who expected and intended to take advantage of Canada as a conquered country. Overbearing with the common people, they offended the educated class by their boorish manners. Had they been free to give rein to their evil natures they would have caused great mischief. But, fortunately for the Canadians, Murray —and later on Carleton—stepped in between these would-be oppressors and their victims. These officials, men of noble mind and high character, had learned to respect the king's new subjects in the field, and after the war were not long in recognizing their value as a peace-loving and moral people.

The habitants, throughout the parishes, formed for themselves a series of small republics, under the eye of the almost powerless officials, whose rule did not seem to extend beyond the cities of Quebec, Three Rivers and Montreal. The Treaty of Paris had given the conquered people very cold comfort ; it simply conceded them the right to practise their religion ; it granted nothing as to their laws and language. But the right to speak his own language is a part of every man's personality, and any attempt to abolish it is an attack on the human soul. The peasants therefore continued in the enjoyment of their traditions and of their language. All this was done under the curé's guidance, with the co-operation in some instances of the seigneurs. In each parish of Quebec, beside the curé, two influential men — the family physician, and the notary—

have always been looked to by their fellow-countrymen for advice.

Murray, second governor of Canada (1764-68), who ruled at first with an iron rod, allowed his rigour to relax after a time and ended by recognizing the noble qualities of the Canadians, and claiming for them royal protection and justice. He held that England, if she considered the retention of her new colony as an advantage, would serve her own interests best by treating the habitants with leniency. Combining practice with precept, he allowed the application of French civil laws in the matter of landed property and the right of succession.

Carleton—Murray's successor—took the same view of the situation, and strongly urged his friends in England to conciliate the habitants who had been estranged from the government. It was with this idea in his mind that he wrote to General Gage, governor of Montreal, in 1775: 'As to the Habitants or Peasantry, ever since the civil authority has been introduced into the province, the government has hung loose and retained so little power that they have in a manner emancipated themselves.' And he adds: 'It will require time and discreet management to likewise recall them to their ancient habit of obedience and discipline.'

Events south of Canada now demanded a complete change in the policy pursued towards the habitants. The murmurs of discontent in the neighbouring colonies were growing louder every day and threatening revolution. In this menacing condition of things Carleton pleaded the cause of the habitants at Westminster when the Quebec Act was under discussion in parliament. The line of conduct he suggested appeared imperative: it was therefore resolved to initiate better intercourse with the king's new subjects in order to retain them in the bonds of the Empire, and also to counteract the influence of American emissaries who were preaching rebellion to the habitants.

The measure of justice—considerable for those days—meted out to the people by the Quebec Act of 1774, in the restoration of French law in civil matters, and the granting of free practice of their religion, made them turn a deaf

ear to the alluring entreaties of the rebels. The gentry rushed to the front with as many of their *censitaires* as they could gather around them. While some remained neutral, a large number of French Canadians helped Carleton to defeat Montgomery under the walls of Quebec.

Still better times came with the Constitutional Act of 1791. The people at large were given a share in the government. Satisfaction began to prevail all over Lower Canada; and of this change of sentiment proof was given in 1812, when from many parts of the province militiamen flocked to the front to repulse the invaders with signal success at Lacolle and Chateauguay.

Events in France had also, long before this, largely contributed to a revulsion of feeling. When the habitants learned that Louis XVI had been beheaded and that priests and nuns were being sent to the scaffold by the score, public opinion turned against revolutionary France. The last ties between that country and her former colony snapped under the impression created by the excesses of the Revolution. Clerical influence largely promoted this sentiment, and France became an object of horror for all Catholic Canada. This was strikingly exemplified after the battle of Aboukir Bay, when a solemn *Te Deum* was sung at Quebec as a thanksgiving for the English victory. Abbé Plessis—later Bishop of Quebec, and the most prominent figure in the Roman Catholic clergy in Canada—preached a sermon in which, after eulogizing the English government, he uttered these famous sentences: 'Let us rejoice at this felicitous event. All that weakens France contributes to separate her more and more from us. All that contributes to that end tends to make more secure our lives, liberty, tranquillity, prosperity and happiness.'[1] Even Napoleon, with all his glorious prestige, was looked upon as the son of the Revolution, and was always designated in Canada as a usurper.

This anti-French, or, to be more correct, anti-revolutionary, sentiment went so far that in 1799 voluntary contributions were made towards the expenses of the war between England and France. A list of ninety-five subscribers was

[1] From a sermon delivered in the Cathedral, Quebec, January 10, 1799.

transmitted in that year by Governor Prescott to the Duke of Portland. A portion of this list is as follows :

Le Séminaire de Montreal .	£500 with £300 annually during the war.	
Major de St Ours . .	£20	per year during the war.
Pierre Panet . . .	£25	,, ,, ,, ,, ,,
M. Duburon, priest . .	£16	,, ,, ,, ,, ,,
L. P. Panet . . .	£40	,, ,, ,, ,, ,,
De Guire, priest . .	£12, 10s.	,, ,, ,, ,, ,,
Jacques Panet . . .	£25	,, ,, ,, ,, ,,
R. F. Cazeaux . . .	£25	,, ,, ,, ,, ,,
P. R. de St Ours . .	£20	,, ,, ,, ,, ,,

These subscriptions, large for the time, and from men by no means rich, expressed the sentiments of leading French Canadians of those days with more force than eloquent words. Priests' names stand in the majority on the list, and they were the true representatives of their flock, whose minds they moulded. It must be remembered that seigneurial influence had diminished with time. Diverging interests had antagonized the seigneur and his *censitaires*, who grumbled at the rent they had to pay yearly, besides the tax (*lods et ventes*) of nine per cent that they had to disburse if they sold their farms.

In 1820 Louis Joseph Papineau, a future rebel, spoke in the strain of Plessis. Referring to George III, shortly after that monarch's demise, he said :

> Not many days have elapsed since we assembled on this spot for the same purpose as that which now calls us together, the choice of representatives. The necessity of that choice being caused by the great national calamity, the decease of that beloved Sovereign who has reigned over the inhabitants of this country since the day that they became British subjects, it is impossible not to express feelings of gratitude for the many benefits received from him, and of sorrow for his loss, so deeply felt in this as in every other portion of his extensive dominions. And how could it be otherwise, when each year of his long reign has been marked by new favours bestowed upon this country ? To enumerate these and detail the

LETTER FROM A. N. MORIN TO ELZÉAR BEDARD

(*Translation.*)

MONTREAL, 15*th December* 1834.

DEAR SIR,

I have the honour to acknowledge the receipt of the letter you wrote me, under date of the 10th instant, on behalf of the members of the Correspondence Committee of Quebec, asking me for a 'Report on the proceedings and the obligations undertaken with His Majesty's Minister on the subject of the difficulties and grievances existing in this country.'

I could not respond to this desire in a more full and satisfactory manner than by transmitting the summary of a conference which took place on June 22nd last between Mr Spring Rice, Mr Roebuck, Mr Viger and myself. Neither Mr Viger, to whom I have had the honour of speaking, nor myself has any objection to this document being privately communicated to all and each of the members of the Correspondence Committee of Quebec; but they will all of them feel that it is impossible for us to make it public, more especially until we have reported to the Chamber of the Assembly to which in the first place we are responsible.

Shortness of time prevents me giving you more extensive details regarding other circumstances relating to the Canadian Mission in England from the time of the passing of the Ninety-two Resolutions of the Chamber of the Assembly. For the same reason it is impossible for me to give my opinion upon the events that have taken place since the time of the said conference; and, besides, this has not been demanded of me.

In the private conversations that I have had with you, my dear sir, and with a great number of the other members and friends of the Canadian cause in Quebec, I have given all the information possible with regard to the general tenor and details of our affairs in England and also as to what happened during my stay there. I shall be ready at any time, and should consider it also my duty, to answer any further inquiries that may be made of me.

I beg you to assure the members of the Correspondence Committee of Quebec of my earnest wish of seeing the measures we are now adopting successfully carried out.—And believe me very truly,

My dear Sir,

Your very devoted and obedient servant,

A. N. MORIN

Elzéar Bedard, Esq.,
Secretary of the Correspondence
Committee of Quebec.

LETTER FROM A. R. MORIN TO ELEAZAR ROLAND

(TRANSLATION)

Montreal, 14th December 1837.

Dear Sir,

Montréal 15 Décembre 1832

Mon

Y & C

Cher Monsieur

J'ai l'honneur d'accuser la réception de la lettre que vous m'avez écrite en date du 10 de ce mois de la part des membres du Comité de Correspondance de Québec, me demandant un "Rapport des procédés et engagemens pris avec le "Ministre de sa Majesté au sujet des difficultés "et des griefs qui existent en ce pays."

Je ne pourrais répondre à ce désir d'une manière plus ample ni plus satisfaisante, qu'en vous transmettant le précis d'une conférence qui a eu lieu le 22 du mois dernier entre M. Spring Rice, M. Poulett Thomson, M. Viger, et moi. M. Viger à qui j'ai eu l'honneur d'en parler, ni moi, ne pouvons avoir d'objection à ce que ce document soit communiqué présentement à tous et chacun des membres du Comité de Correspondance

Correspondance de Québec ; mais ils seront tous qu'il nous est impossible de le rendre public, surtout avant que nous ayons rendu compte à la Chambre d'Assemblée à laquelle nous sommes responsables en premier lieu. 46 C

Le peu de temps m'empêche de vous donner de détails plus étendus sur les autres circonstances liées à la mission canadienne en Angleterre depuis l'époque de la présentation des 92 Résolutions de la Chambre d'Assemblée ; les mêmes motifs font que je ne puis, et je n'en suis pas requis non plus, donner mon opinion sur les circonstances qui ont eu lieu depuis l'époque de la dite conférence.

Dans les conversations particulières que j'ai eues avec vous, mon Cher Monsieur, et avec un grand nombre des autres membres et amis de la cause canadienne à Québec, j'ai donné tous les détails possibles sur l'ensemble et sur les détails de nos affaires en Angleterre et sur ce qui s'y était passé durant mon séjour ; je serai prêt dans tous

les tems, et je considère que ce sera aussi un devoir pour moi, à donner tous les renseignements ultérieurs qu'on pourra me demander.

Je vous prie d'assurer messieurs les membres du Comité de Correspondance de Québec de mon vif désir de voir les mesures que nous adoptons maintenant suivies d'un résultat efficace, et de me croire bien véritablement,

Mon Cher Monsieur,

Votre très dévoué & Obéissant Serviteur

A. A. Morin.

Olivier Bédard, Ecuier,
Secrétaire du Comité de
Correspondance de Québec.

history of this colony for so many years would occupy more time than can be spared by those whom I have the honour to address. Suffice it then at a glance to compare our present happy situation with that of our fathers on the eve of the day when George III became their legitimate monarch. Suffice it to point out the fact that under the French government (both internally and externally arbitrary and oppressive) the interests of this colony had been more frequently neglected and maladministered than those of any other part of its dependencies.

In my opinion Canada seems not to have been considered as a country which, from fertility of soil, salubrity of climate and extent of territory, might have been the peaceful abode of a numerous and happy population ; but as a military post, where a feeble garrison was condemned to live in a state of perpetual warfare and insecurity, frequently suffering from famine, without trade—or with a trade monopolized by privileged companies—public and private property often pillaged, and personal liberty daily violated, when year after year the handful of inhabitants settled in this province were dragged from their homes and families, to shed their blood and carry murder and havoc from the shores of the Great Lakes, the Mississippi and the Ohio, to those of Nova Scotia, Newfoundland and Hudson Bay. Such was the situation of our fathers ; behold the change.

George III, a sovereign revered for his moral character, attention to his kingly duties and love of his subjects, succeeds to Louis XV, a prince then deservedly despised for his debauchery, his inattention to the wants of people, and his lavish profusion of the public moneys upon favourites and mistresses. From that day the reign of law succeeds to that of violence ; from that day the treasure, the navy, and the armies of Great Britain are mustered to afford us an invincible protection against external danger ; from that day the better part of her laws becomes ours, while our religion, property, and the laws by which they were governed, remain unaltered ; soon after are granted to us the principles of its free constitution—an infallible pledge, when acted upon, of our internal prosperity. Now religious toleration ; trial by jury (the wisest of safeguards ever devised for the protection of innocence) ; security against arbitrary

> imprisonment by the privileges attached to the writ of *habeas corpus* ; legal and equal security afforded to all, in their person, honour, and property ; the right to obey no other laws than those of our own making and choice, expressed through our representatives ; all these advantages have become our birthright, and will, I hope, be the lasting inheritance of our posterity.

Papineau altered his views later on when Dalhousie and Aylmer, siding with the legislative council and with what was called by the patriots *l'oligarchie*, thwarted the assembly in its efforts at reform ; and his opposition culminated in extreme measures when Dalhousie attempted in 1822 to foist on Lower Canada a legislative union with Upper Canada.

This explanation will not account, in the eyes of many, for the rebellious uprising of 1837. A recourse to arms had never been intended by Papineau and his followers, though their public declarations, after Lord John Russell had deprived the assembly of its right to vote supplies, smacked of rebellion. If some farmers followed Papineau, it was because his great eloquence lashed them into a sort of blind frenzy. Of what had country people to complain ? Outside Quebec they did not suffer from any oppressive measures ; no tax weighed on their shoulders ; church and school stood with wide-open doors.

It must not be inferred from this that there existed no grievances ; but they were of a nature that affected only educated men. The patriot movement was altogether aristocratic. Men like Papineau, Bédard, La Fontaine and Morin, all highly educated, suffered in their pride at being excluded from any share in the government of their country for the benefit of a few favourites, their inferiors in intellectual merit. They could not bear to be treated by a few conceited and self-styled aristocrats as the descendants of a conquered race. The troubles of 1837 would have been avoided if Dalhousie and Aylmer had not allowed themselves to be misguided by a small clique of officials, who kept all authority in their own hands in order to share in its material advantages. If a man of Gosford's conciliatory disposition had been appointed instead of Dalhousie or Aylmer, the

LETTER FROM E. B. O'CALLAGHAN TO F. X. GARNEAU

ALBANY, 17 *July* 1852.

DEAR FRIEND,

I was much gratified by the receipt of your very kind and highly esteemed favor of the 6th inst., and as you have got, ere this, the 3d vol. of the N. Y. Doc. Hist. you will have evidence of the great pleasure it always affords me to hear from you and to be in any wise useful to you.

I beg you to believe that I seize every opportunity that falls within the reach of a poor exile 'in partibus' to enquire after your health, progress and prospects. The last news I had of you was, that you were suffering from indisposition, which I regretted the rather as any evil that would befal you, now, would be a misfortune not only for your friends but for your country.

It gladdens me, however, to learn that you are still laboring to vindicate the History of your country from much of the misrepresentation to which it has been the victim. Somewhat like the Horse subjected to Man, its portrait has not been painted by itself or its friends. As a consequence it has suffered in more interests than one, witness the Durham Report, the latest and boldest instance of brutality that I have seen in print.

I have long bethought me of, and turned over in my mind, a plan of a 'History of Canada under the British.' But perhaps the time is not yet mature for such justice, as *Finis* cannot be put at the foot of the chapter. Ireland, India and Canada form a chaplet not very ornamental around the neck of our Stepmother. You will have an opportunity of writing a part of the chapter: *Fiat Justitia.* I sincerely trust your remuneration will be commensurate with your great labor.

I do not agree with your logic as regards the movement of '37. You say 'Je le blâme puisqu'il n'a pas réussi, et qu'il a eu de si tristes conséquences pour nous.' This is a post hoc, ergo propter hoc, which is not authorized by the Schools.

My dear Sir, If you will look carefully through Lord Gosford's despatches of 1836, as well as those of the Colonial Secretary of that and preceding and subsequent years, you will find that Gosford recommended the suspension of your Constitution more than a year before there was any shadow of an outbreak.

The truth is the government both in Quebec and Downing Street determined on abolishing the L. C. Assembly and only sought a pretext to justify its violence. Desbartzch, who was Gosford's 'confidence man' in 1836, came to coax or browbeat me in '36 into voting for the supplies, and when he found me inebranlable, he very plainly told me that the result would be that Papineau and I would be hanged! About that time Gosford recommended that the L. C. Assembly should be abolished. Debartzch no doubt was in the secret—saw the consequences, and founded his prophecy or threat or warning on the knowledge he had of the programme.

It was Castlereagh and the Irish Union over again—Goad the people into violence, and when they fall victims to the snare, abolish their constitutional rights. Read the History of Ireland and its Legislative Union with England, and you will see, as in a mirror, the plot of 1836 & 7 against Canadian Liberty.

The movement of '37, as far as I have any knowledge of it, was a movement of the government against peaceable citizens in order to hurry the latter into an indignant resistance of personal violence. When they dragged an isolated poor peasant in the early part of 1837 from the Lake of Two Mountains into Montreal Jail for assault, which they called Treason, where was the movement? When they pulled down the Vindicator office, where was the movement? When they dragged Davignon and his friend, tied with ropes, from St Johns through Chambly to Longueuil to irritate the habitans, then peaceable and quiet, where was the movement?

The truth is, the whole was a settled plan of Gosford, Ogden and Debartzch to goad and drive individuals into a resistance to personal violence so as to make out a case with which the Ministry might be able to go down to Parliament and ask for the destruction of the Act of 1791. And lest that would not suffice, Colborne backed it up by saying in one of his despatches, months before any opposition had been offered, that Papineau was drilling troops somewhere near Three Rivers. This is as far as my memory serves me, for I have not the despatch by me. It was written somewhere

in 1837 and you can possibly turn to it—I recollect well calling Mr Papineau's attention to it at the time and suggesting to him the propriety of contradicting it, for I was personally knowing to the falsehood of the statement—but as is his wont and habit too often, he treated the thing with contempt, for it was the most atrocious lie I ever saw in print.

The immediate fons et origo of the whole matter was the refusing the supplies in 1836. The government thereupon set about bringing about a collision à la Castlereagh et Irlande. They called out and armed volunteers; issued warrants à tort et à travers, and when they had the people maddened by insult they called it a Rebellion. If you are to blame the movement, blame then those who plotted and contrived it and who are to be held in History responsible for it. We, my friend, were the victims—not the conspirators, and were I on my death bed I could declare before Heaven that I had no more idea of a movement or resistance when I left Montreal and went to the Richelieu river with Mr Papineau than I have now of being Bishop of Quebec. And I also know, that Mr P. & I secreted ourselves for some time in a farmer's house in the Parish of St Marc, lest our presence might alarm that country and be made a pretext for rashness. The issuing of warrants and the arrests of Davignon, followed by the affair at Longueuil, came on shortly after, and matters were beyond the control of any individuals. The movement therefore was begun in the Castle St Lewis, and we were like straws, hurried away by the torrent and the debacle.

I saw as clearly as I now see that the country was not prepared. But you might as well whistle to a tornado, as endeavor to contend against the deep and damnable conspiracy that was prepared and had burst forth against the rights and liberties of the people.

The union and the part acted by those who la faisoient functionner are matters with which I have nothing to do, further than perhaps to express an opinion. But as this can be worth but little, and as you have had a better opportunity of arriving at correct conclusions, being throughout the whole of that period on the spot, it is unnecessary for me to say any thing on the subject. Men and politicians may fret their little hour on the Stage, and fancy they can control the destiny of your country, but I am satisfied Events are entirely independent of them, and that the Future of Canada will be realized as certainly even if they went to sleep like Rip Van Winkle for seven, or thrice seven, years, as if they continued to chafe and to sweat. The great giant is growing in these States whose Shadow will cover this continent from Mexico to the N. Pole. Every mother that brings forth a child in Canada is contributing to this result more effectually than the most vociferous politician and officeholder, whose chief rôle now is to receive his quarterly salary and to give God thanks that he can live without work.

This was my opinion when walking with Mr Papineau in Exile at Saratoga conversing over the destinies of a country to which we both of us were and still are attached, and when Durham was living in gorgeous splendor 'in his pride of place' at Quebec. It is now my conviction, and the part of the true patriot is, so to model the Institutions of your country that the change will not be violent nor felt, when it comes.

But enough of this. When you come in your History to the Chapter on Aylmer's Administration, pray turn to the appendix of the Journals for a Report I made from the Committee on Grievances in the last Parliament of Lower Canada, in which I reviewed the Despatches laid before Parliament on the subject. It may aid you to form an opinion on the policy pursued at that time by the Colonial Office.

I beg of you to take what I have written on the affair of '37 as it is intended and designed—not to bias any conclusion you may consider yourself justified in drawing—but as a piece of evidence submitted in the case, to be weighed with all the other matters bearing on that event.

I shall always be glad to hear of your welfare and happiness, and believe me

ever yours faithfully
and respectfully

E. B. O'CALLAGHAN

F. X. Garneau, Esq.,
Quebec

Albany, 17 July 1852

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J.M. Garneau Esq Quebec

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I do not agree with your logic as regards the movements of 37. Je le blame puisqu'il n'a pas voulu, et qu'il a eu de si tristes consequences pour nous. This is a post hoc ergo propter hoc, which is not authorized by the Schools.

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and respectfully
E. B. O'Callaghan

shortcomings of the constitution could have been remedied. Unfortunately Gosford appeared upon the scene after Papineau had lost control of himself, and had begun to play the part of a firebrand in his speeches to intimidate his opponents. But there was no intention of raising the flag of rebellion. This would have been utter madness, for the patriots lacked the sinews of war—money, arms and soldiers.

How could they have planned an uprising, powerless as they were for action in the field? In the patriots' secret meetings no scheme of violence was ever mentioned or even hinted at. O'Callaghan, member of parliament in 1837, writing in 1852 to Garneau, author of *L'Histoire du Canada*, declares emphatically that never for a moment had he and his friends entertained the mad idea of an uprising. This declaration is corroborated by a statement of Lord Durham in one of his dispatches to London. In this document he declares openly that the party opposed to the French Canadians were prepared to do anything to deprive them of all influence. 'For that purpose, the public revenue was spent against the wishes of the people represented by the Legislative Assembly.' Was not this rank absolutism that no Englishman would bear without doing his utmost to stop it? Still, Papineau and his followers limited their opposition to constitutional means, and Durham could thus explain the cause of the uprising. '*The consequent rebellion*,' he adds, '*although precipitated by the British* from an instinctive sense of danger of allowing the Canadians full time for preparation, could not perhaps have been avoided.' Here Durham goes beyond the legitimate conclusion. From secret documents published in late years, ample evidence is brought forward to prove that the patriots never intended to rise in open rebellion. What did the habitant understand of this complicated question of the powers of the assembly restricted or nullified by the upper house? It was beyond his sphere of comprehension. Contented with his condition as tiller of the soil, with no other ambition than that of a peaceful life, he did not feel the burden of the grievances denounced by Papineau.

It must not be forgotten that the troubles were confined

to the Montreal district. Quebec and Three Rivers took no part in these disturbances. Here again the clergy showed their loyalty: Bishop Lartigue of Montreal commanded his flock to abstain from all unlawful proceedings.

In 1849 a certain number of Montreal merchants, both English and French—some of them very prominent—and well-known politicians raised the annexation cry.[1] Trade in Canada was then at a very low ebb, a crisis having been brought on by the abolition of the Corn Laws. It was argued by these people that if Canada joined her destinies with those of the United States, she would share their prosperity. Again priests stepped in to point out to their flocks the danger to which their faith and language would be exposed if Lower Canada threw itself into the gigantic agglomeration of people to the south. They, moreover, put them on their guard against new-fangled utopias imported from France, after the Revolution of 1848, by some radical French Canadians.

About this time (1849) the minds of leading French Canadians were deeply concerned by the new disposition among their countrymen to leave Canada in order to settle in the New England States. At first no one was impressed by this danger, but with time the emigration increased in an alarming manner, especially from 1865, after the War of Secession, to 1890.

Gradually, important French settlements were established in many manufacturing centres of the New England and Eastern States. In Fall River, Lowell, Willimantic, Manchester, etc., there are thousands of families with complete organizations of their own, French churches and schools. Some of these newcomers have obtained municipal honours, and Rhode Island repeatedly elected as governor, Aram Pothier. Their ambition is, after having become naturalized American citizens, to constitute autonomies exclusively French to keep up their language and customs. So far this ideal has been attained where they have grouped themselves in large numbers, but in smaller communities they have been lost in the general mass. Is it not strange to see

[1] Among them were J. J. C. (afterwards Sir John) Abbott, L. H. Holton and A. A. Dorion.

working together the descendants of Puritans and habitants, who in the seventeenth and eighteenth centuries never met but to cut each other's throat! All hope of bringing back these voluntary exiles has been given up. They have gone across the line to stay. American mill-owners prize their services very much, as they dislike labour disputes and are steady and reliable workers.

The habitant also long ago invaded Upper Canada. The first French Canadian settlements were established opposite Detroit and then all through Essex County, where the number of French-speaking people is large in proportion to the total population. Later on this emigration penetrated into the counties of Glengarry, Stormont, Carleton, Russell and Prescott, until the French Canadians have become the majority in several of these constituencies. Some years ago, when the Canadian Pacific Railway was being built, many labourers employed in the construction of the line settled in Northern Ontario. Now the new counties of Nipissing and Sturgeon Falls return French-Canadian members to the Ontario legislature.

Many times throughout the last fifty years the urgent question has arisen in Quebec: How shall we stem this tide of emigration? There seemed to be but one course open —colonization within the province. Both government and private organizations put forth every effort to retain in Lower Canada the would-be deserters. They had but little success, and year after year large contingents of French Canadians bade adieu to their native land to swell the numbers of their countrymen already settled in the manufacturing centres of New England, of Massachusetts, Rhode Island, Maine, New Hampshire and Michigan.

What were the causes of this disastrous emigration? Some people were inclined to attribute the exodus to those influences which have governed old-world displacements of population and which sent masses of population from Northern Europe to Italy, Spain and France. This explanation seems far-fetched. That the habitant is moving away from his native land from purely economic reasons is more probable. During the second half of the last century

agriculture ceased to be profitable in Lower Canada. It became a difficult task for a farmer to make both ends meet. In this predicament a young man, member of a numerous family, having to part with his parents to look for a home, was faced with two alternatives, either to take an ax to clear land and open a farm, or to wend his way to the manufacturing centres south of Canada. The second alternative appeared more attractive, as it did not involve so much effort.

How many French Canadians are there in the United States, in Ontario, and in the prairie provinces ? Opinions differ greatly on this point, owing to the absence of reliable statistics. There are not a few who place the total of this emigration at over a million and a half souls, but this is an evident exaggeration.

When England took possession of Canada the French population was set down at 65,000 ; since that time it has doubled every twenty-eight years. A calculation on the basis of this increase would place the present French population at 2,500,000 if there had been no exodus. According to the last census there are now in the Province of Quebec 1,200,000 French Canadians. But this is not the only item to be taken into account in this calculation. The French population in Ontario and Western Canada can be set down at over 250,000. These figures will go far to show that there cannot be more than one million French Canadians in the United States, but even this number is far too large and constitutes an enormous loss to Canada. For Quebec it is almost a national calamity, involving a considerable decrease of influence in parliament. The upbuilding of the French-Canadian nationality has involved one hundred and fifty years of steady effort. What a misfortune if this magnificent community was to be allowed to diminish in size and strength !

To complete this rapid glance at the evolution of the French race in North America, let us return to the habitants still firmly bound to the land wrested by their ancestors from barbarism. They considered themselves the happiest people on earth in the peaceful enjoyment of full liberty.

At the inception of English rule it was laid down as a principle that the Canadians had no right whatever to the use of their own laws. Such was the starting-point; and when we contrast their unhappy position at that time with that of to-day, we are tempted to conclude that there coursed through the veins of those who secured all the rights of British subjects, for themselves and their posterity, the blood of those Norman barons who, on the field of Runnymede, wrested from the hands of King John the great charter of English liberty.

XI

MANNERS AND CUSTOMS IN THE PROVINCE OF QUEBEC

IMMEDIATELY after the cession of Canada the French-Canadian farmers once more settled on their farms, free from the numerous vexations and exactions of the old régime. Thanks to their thrift and economy, prosperity returned to every part of Lower Canada. A complete transformation of the country took place, and for the peasants who had survived the calamities of the Seven Years' War dawned an era of peace and happiness. At the beginning and throughout almost the whole course of the nineteenth century no people had better reason to be satisfied with their lot than the habitants on the shores of the St Lawrence and the Richelieu. That time is still referred to as 'the good old time'; the *bon vieux temps* is remembered as the days when the good things of this world were abundant in Lower Canada. Among a people easily contented, endowed with the pleasant manners and the politeness of Old France, and blessed with a most gentle temper, contentment reigned supreme.

If, then, the voice of the French Canadians had no weight in the state council, if political liberty made no progress, at least the course of everyday life offered the most perfect happiness. What peasant in any other country could compare

with the French-Canadian habitant from the standpoint of comfort and content ?

During the first period of the English régime peace came as a blessing of God. The once overburdened and oppressed colony became a new Arcadia. Torn violently from France and thrown under the domination of a foreign power, the farmers, avoiding all contact with their new masters, remained strictly isolated. This isolation caused the different parishes to become a series of small, self-governing, self-sustaining states, held to the powers that were by the thinnest of ties.

Various other causes favoured this sort of independence. They had never known anything but absolute submission to their rulers. What did it matter if British political rights were denied to them ? Of what value were these rights with which they were unfamiliar ? To the majority this new state of affairs, with a maximum of *laisser-faire* and a minimum of government interference, was very tolerable. Stationed in a fortress where their indifference to politics protected them from the intrigues of power, the French Canadians had no ties but those of sentiment to make them regret the bygone days, with their quarrels, taxes and statute labour. Be it said, to the credit of the new government, that it did not unduly interfere with the peace and quiet of the farmers. When the latter had paid seigneurial rents and church dues, all the rest of the produce of their fields belonged to themselves. The government collected duties on foreign goods, but these were very small ; the habitants bought English goods very sparingly, for their industry and the instinct of domestic economy furnished them with the means of supplying their own wants. With the spinning-wheel and crude *métiers* installed in almost every house, the French-Canadian wife was able to weave the linen and home-spun necessary for the clothing of the family. The habitant constructed also the carts, sleighs, and most of the implements required for the cultivation of the soil. He depended very little on the industry of the neighbouring village ; perhaps he needed the help of the blacksmith and the saddler ; but very often he repaired the harness and sewed his own boots,



INTERIOR OF A FRENCH-CANADIAN FARMHOUSE

From a painting by Krieghoff

the rough but comfortable moccasin (*soulier de bœuf*). Any coin that once found its way into the habitant's purse (often a strong leather bag) seldom left that secure place; it might almost be said that he saved all he earned. Shunning lawsuits, he tried to settle his disputes as often as possible through the medium of either the curé of the parish, the notary, or the doctor. How could a man so well protected against life's burdens be anything but happy? He enjoyed a freedom that he could not have wished more complete, a full measure of the liberties that seemed to him essential; he was free to practise his religion, to speak his own language, and to follow the customs of his forefathers.

How different was his fate from that of the peasant of the seventeenth century whom La Bruyère described as a mere brute, bent over the soil, drawing a mere pittance from his farm and working like a slave! No doubt the labour of the habitant was arduous. The short duration of the summer season imposed upon him a continuous strain while it lasted, but his courage helped him to labour during that time from the break of day till dusk—*d'une étoile à l'autre*, as peasants say—from the last star that pales at daybreak to the first one that becomes visible after sunset; but in August the habitant rested his eyes upon a plentiful harvest, the reward of his labours.

With the month of November labour diminished on the farm, and the threshing of the wheat and oats went slowly on. On market days the farmer would go to town to sell his produce and bring back supplies, and presents for his wife and his children, the companions of his labours, and a six-quart measure of Jamaica rum, which helped to liven up the long winter evenings.

Winter brought to the habitants a series of entertainments and feasts that broke the monotony of this season of loneliness and inaction. It was then that the gaiety of the French temperament revealed itself in numberless outbursts of merriment. It would seem that the first Canadian colonists, deprived by snow and ice of intercourse with France during eight months of the year, had felt the necessity of enlivening that lonely season by every means in their power. Hence

the hospitality, the grace of manners so remarkable in the Canadians of old; hence their pleasure in meeting friends and in multiplying the occasions of entertaining one another. Winter therefore meant a series of friendly meetings, full of charm and cordiality and *joie de vivre*.

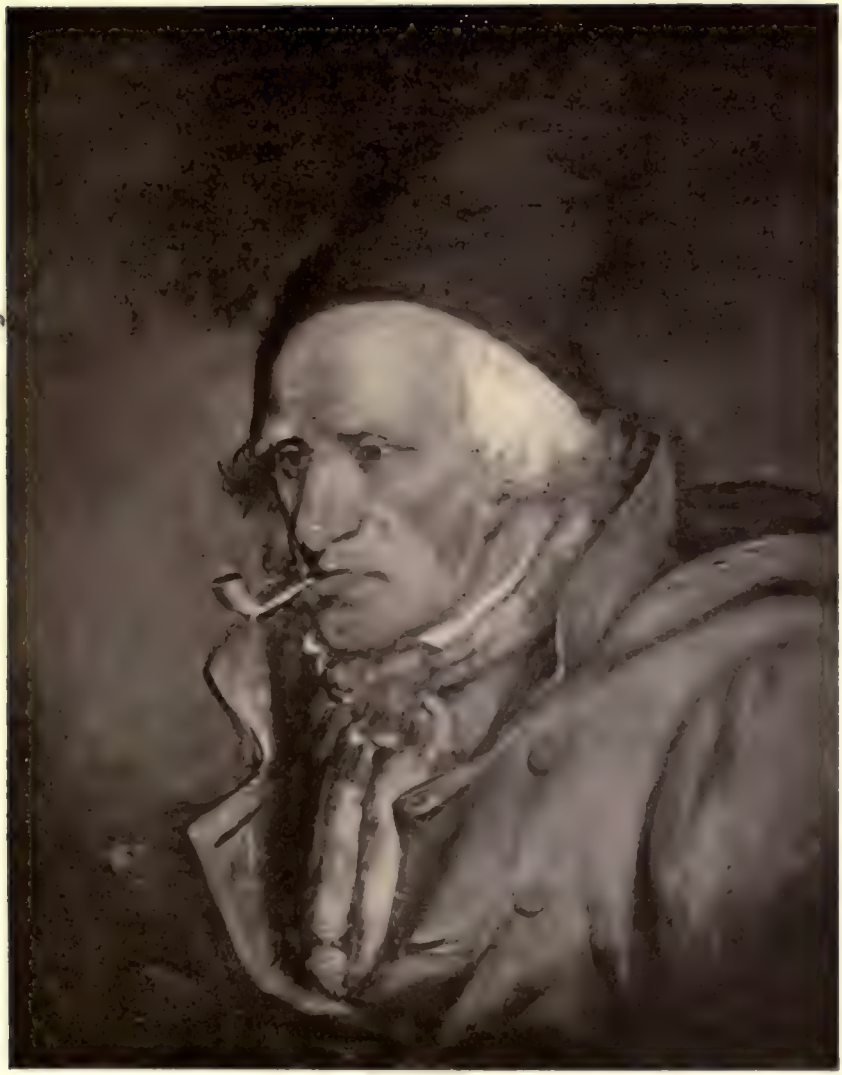
The pleasures of the table were especially attractive. What pantagruelic feasts were suppers in these happy days! Abundance made up for any deficiencies of cuisine, and, from what we know to-day of the old culinary art, we are bound to believe that there was nothing so appetizing as the golden turkey, fresh pork nicely roasted, pigs' feet and the chicken pies that so appealed to the palates of Quebecers of another day.

Thus the hospitality of olden times displayed itself in a very sumptuous manner; the housekeeper, called upon to do the honours of the house, covered the table with all sorts of dishes, and the table was hidden under a variety of large and small plates filled with all kinds of delicacies. De Gaspé tells us that the Canadians of old made it a rule that the table should be almost as copiously covered at the end of the meal as when the guests sat down to it.

The writer had occasion in his youth to be present at one of these wondrous feasts—it was a wedding breakfast—where the guests rivalled each other in having a good time. He can still see them with their beaming faces; all drinking merrily, round a table overloaded with food, and listening to the best singer, whose charm was irresistible when, rising from his chair and turning towards the master of the house, he would ring out, amidst the general hilarity, this refrain:

Bonhomme, bonhomme,
Tu n'es pas maître dans ta maison
Quand nous y sommes.

The pleasant life of the good old times ran its course chiefly in the old parishes along the St Lawrence and Richelieu. The valley of the latter, with its beautiful fields and rich soil, could be likened to a vast garden producing in abundance all the necessaries of life. Sir Georges É. Cartier once remarked that his father exported



LE CANADIEN

*From a painting by Kriegh*ff

from the parish of St Antoine five hundred thousand bushels of wheat per year. From St John to Sorel a dozen pretty towns and many comfortable farmhouses studded the roadway. Every six miles or so a church spire could be seen, and around it stood the houses of well-to-do people. During winter the ice of the Richelieu River was the means of procuring an agreeable and easy route throughout that region.

At that time there was found in each village, thanks to the presence of seigneurs, of rich merchants and of professional men, a social circle of people of charming manners. As a result, agreeable intercourse naturally sprang up from one extremity of this district to the other; and during winter visits would be exchanged between the different parishes.

What an enlivening sight they must have been—these stolid, sturdy fellows, well wrapped up in grey homespun overcoats, a sash round the waist, skilfully handling their horses! Away they drove merrily, fearing neither fatigue nor hunger on the way, as they were always certain of meeting with a hearty welcome wherever they went. With their great physical strength, they could well compare with their cousins, the *gars normands*. Having an easier conception of life than their descendants, not subject like ourselves to the influence of new inventions that hurl us onward in the different paths of human activity, they took all the enjoyment possible out of the world, their limited ambition keeping them from worrying in the race for wealth.

Fortunately, the Lenten season came at last to put a stop to these agreeable but rather expensive pastimes, which extended all through the carnival—that is, from Christmas to Ash Wednesday. It was then the accepted rule to abstain from all worldly amusement, to attend all church services, to fast and exclude meat from the table during forty days. After weeks of self-denial, how welcome, at the first sign of spring, were the gatherings in the woods, around the cauldron of boiling maple sap!

With changes in the mode of living and necessaries of life growing dearer, these merry festivities have become less

numerous. But on *mardi gras* — Shrove-Tuesday — jollifications are still kept up in the olden-time style.

These old parishes of the Province of Quebec were regions of plenty, and the most cordial and lavish hospitality reigned everywhere. If a stranger happened to enter a Canadian home at meal-time, he was immediately invited to sit at the table, and the attentions of the family were all centred on him. What, then, of the welcome given to friends and relatives! It seemed as if the household could never do enough to amuse them and satisfy all their fancies. The sole object of the host was to make them happy every minute of their visit. It was utterly impossible, in those days, to enter a farmer's house without eating, or at least 'taking refreshments.'

And what sweet recollections are those of the French-Canadian family of days of yore! Strongly impressed with religious principles, they lived in the peace of mind derived from a faith that had not been touched by doubt, with nothing to disturb the harmonious relations of brothers and sisters, who formed a loving and affectionate circle around the parents. The smiling face of the mother was the central figure of these happy homes. What a vigilant and affectionate woman she was, lavishing the tenderness of her heart on all, and still appearing to give it entirely to each one! She was indeed the life and soul of the home, for ever busy with the cares and labours of the house. Occupied by the work involved in the upbringing of a numerous family, she lavished all her love and energy from the early morning hours until evening when she placed her little ones in bed with their good-night kiss. The pious mother never forgot the recommendation, still clear in the memory of those who have heard it, notwithstanding the lengthening shadow of their recollections: *Donne ton cœur au bon Dieu.*

If the French-Canadian farmers lived in an enviable independence, it was not so with those living in the cities. From the very first days of the new régime the difference of language and of religion brought them into conflict with certain unscrupulous immigrants who had crossed the Atlantic to settle in Canada—for them a conquered land.



LA CANADIENNE

From a painting by Krieghoff

The bad manners of these newcomers, their open contempt for the Canadians, rendered the position of the old citizens of Quebec and Montreal very painful indeed. From that time began the struggle for supremacy on the one hand and the struggle for rights on the other that were only to terminate eighty years later. Timid at the beginning, opposition to provincial absolutism became stronger day by day as the people, realizing their strength, borrowed from their enemies—*fas est et ab hoste doceri*—the weapons with which after many vicissitudes they were to win the victory. Later on the intelligent men in the parishes joined hands with those of the cities, and when the demands of the people became embodied in Papineau, he became the chief and leading spirit of a strong party, formed of the intellectual *élite* of the country.

It has been asserted that the feudal seigneurs did not give a helping hand to the national cause. This is a slur upon the memory of men who took an active part in the battle. Their conduct upon the inauguration of the English régime gave a certain semblance of truth to the accusation, but this was simply the result of their education and of the intellectual influences of the time. Before the Revolution noblemen in France had a conception of duty to their country different from what prevails to-day. With them it consisted in devotion to the monarch: *vive le Roi!* rather than *vive la France!* The allegiance of the seigneurs, who were imbued with the current ideas in France, was easily transferred from Louis XV to George III; their royalist sentiments became stronger and impelled them towards England when the French Revolution ran counter to their religious as well as their political convictions. With time the arrogance of 'the oligarchy' —the name given to the men in power at Quebec—as well as a natural ambition to take a part in the government of the country, caused the seigneurs to realize the enormity of the injustice then weighing upon the French Canadians. From that day, though maintaining their allegiance to the king, they joined Papineau, Bédard, Bourdages, all determined opponents of the governor and his

friends. When in 1822 Papineau was sent to London to protest against the proposed union of the two Canadas, no one supported his mission more strongly than Debartzch and de St Ours and a few others, some of the most influential men of the country. If later on there was a breach between them and Papineau, it was because the latter, then a fiery annexationist, assumed an attitude that to them seemed dangerous.

It was the *élite* of the population—men of learning and study—who assumed the championship of the popular claims. The mass of the people, happy in their own way, did not realize the importance of the actual and future dangers of the arbitrary colonial régime. All the constitutional agitation, as we have already tried to explain, was centred in an aristocratic movement initiated by the most intelligent of French Canadians.

We have now followed the habitants from their early days to the present time, in their transformation from French settlers brought up under absolutism into British citizens. After the vicissitudes of three centuries they stand before the world a distinct national group, firmly planted in North America.

Will the habitants hold their own in time to come? Will they maintain their influence among their competitors in the friendly race for welfare and wealth? Will the various French-Canadian communities throughout Canada and the United States maintain themselves as separate units, with their own ideals? These are grave questions to answer. Speaking from a French-Canadian point of view, there is reason to fear that outside Quebec the smaller groups will become absorbed by the surrounding population. This has already happened in several centres. Yet there are in the United States many settlements of twenty and even thirty thousand Canadians growing up in industrial centres by themselves. With a strong clannish spirit, intensified perhaps by the action of certain bishops bent on Americanizing them, they cling together in their increasing efforts to keep up the old faith and the old language. These communities may maintain their individuality for a long time, but the

danger lies in the fact that any industrial crisis may break them up. Then these scattered forces would go to swell the American population. On the other hand, Quebec remains unshaken and unshakable in its adherence to its character and traditions.

But whatever fate the future may hold in store, the French Canadians have played in the past such an important, far-reaching part that they will remain in history a great figure. From the time of Champlain to this day they have been the first to tread nearly all accessible points of North America; no rivers, no lakes, no mountains, no fields or forests have remained unknown to the *coureurs de bois*, trappers or explorers. In every expansion of the continent they have shown the way—with La Salle on the Mississippi; d'Iberville and Bienville in Hudson Bay, Newfoundland, and New Orleans; with La Vérendrye in the Rockies; with the fearless missionaries among every Indian tribe north and south of the Great Lakes, and the Ohio valley. Who would wrest from them the glory of having been the pioneers of civilization in so many parts of North America? Verily we may apply to these daring men of the past, in a restricted sense though it be, the words of Virgil:

Quae regio in terris nostri non plena laboris?

A. D. De Celles

ENGLISH SETTLEMENT IN QUEBEC

ENGLISH SETTLEMENT IN QUEBEC

I

THE BRITISH SOLDIERS AND THEIR FOLLOWING

MODERN English Canada is the result of a century and a half of steady growth. The seeds of its progress were deliberately sown by strong and intelligent men, who brought with them those principles and customs, acquired through centuries by their island forefathers, that their descendants still cherish as their most precious heritage. The main scenes of the sowing were in the Province of Quebec. Men like Wolfe and Monckton shed their blood for the national ideals; men like Murray and Carleton saw one side of the constitutional shield; others, like Masères and M^c^Cord, saw the opposite side; such as James M^c^Gill planned ardently for education; such as Alexander Henry and Sir Alexander Mackenzie created a powerful commerce; some built ships, and later on steamboats; some, like Hamilton, exported timber; some, like Simcoe and Cuyler, founded provinces; many fought sturdily and single-handed against the forest and the frosts; many created townships and laid the foundations of Canadian home and school life. Who were they all, and what did they do? They were chiefly: the British soldiers and their following; traders and other civilians attracted by the new opportunities; loyalists and disbanded soldiers of the American Revolution; immigrant pioneers.

The esteem of mankind has always been deservedly high for the genuine soldier; for, whatever his faults and limitations, his office is to hazard, and if need be to lay down, his life for his country. The heroes of Quebec, Wolfe's 'small

army of very good men,' consisted of ten regiments and a corps each of grenadiers, light infantry and rangers—about 9000 officers and men in all—besides the naval force under Admiral Saunders.

After the victory on the Plains of Abraham the whole of the army remained in Quebec under General Murray, and the soldiers and the camp-followers of this force may be called the first British residents of Canada. Most of the regiments were English, but there were two battalions of Royal Americans; the rangers, under Captain Hazen, were also Americans; and there were two regiments of Highlanders. The next spring all fought with desperate courage against General de Lévis in the bloody battle of Ste Foy in the defence of the city. 'Our killed and wounded,' Murray reported, 'amounted to one-third of those in the field; that of the enemy, by their own confession, exceeds 2500 men.' Some of the officers on the list remained in the country. Of such was General Burton, to whom the dying Wolfe had addressed his last order—to cut off the retreat of the French army by the Beauport bridge. He became governor of the Three Rivers district, and his daughter married General Napier Christie, the son of another hero of the Plains, General Gabriel Christie, who resided at Chambly. Among those who later figured prominently in Canadian affairs were: Colonel John Hale, who led Wolfe's landing-party up the Heights; Captain James Douglas of the navy; Major Paulus Æmilius Irving; Captains Nairne and Fraser, the founders of the two Murray Bay seigniories; Captain James Leslie, Wolfe's assistant quartermaster-general, and other officers. Major Samuel Holland, who had attended the dying Wolfe after the battle, became surveyor-general and a large holder of township land grants; Colonel Henry Caldwell was made receiver-general and acquired two seigniories. Murray himself bought Lauzon and other seigniories, and might have lived on in Canada had his temper and peculiarities permitted.

By far the largest, and certainly the most active, of the regiments that had taken part in the capture of Quebec was the 78th or Fraser's Highlanders. It had led the storming

party up the goat track to the Plains of Abraham, and in the Battle of the Plains had suffered the largest losses in the attacking army; at Ste Foy its casualties were even more heavy. Now disbanded, it formed in Canada, with a section of the 42nd Highland regiment or 'Black Watch,' the nucleus of that strong Scottish element which was henceforth to increase and give character to Montreal, Quebec, and many other important neighbourhoods, and to supply an energetic force in the leadership of the Dominion.

Alfred Hawkins, in his *Picture of Quebec with Historical Recollections*, says:

> About ten years after the battle of Culloden, which terminated the unfortunate [Jacobite] Rebellion of 1745, Mr Pitt, observing with a liberal and statesman-like eye the high spirit of loyalty towards those who placed confidence in them, which was the distinguishing characteristic of the Highland clans, resolved to employ them in the foreign service of Great Britain, under the command of officers chosen from the most esteemed Scottish families. . . . Following up this enlightened policy, in 1757, the Honorable Simon Fraser, who had himself been engaged in the rebellion, and whose father, Lord Lovat, had been beheaded for high treason on Tower Hill, was appointed Lieutenant Colonel Commandant of a Battalion, to be raised upon the forfeited estate of his own family, then vested in the Crown.

The 'Master of Lovat' immediately recruited 800 men; and his kinsmen, officers of the regiment and gentlemen of the country around added about 700 more—in all 1460.

> In all their movements they were attended by their Chaplain—the Reverend Robert Macpherson, who was called by them *Caipal Mor* [the Big Priest] from his large stature. They wore the full Highland dress, with musket and broadsword. Many of the soldiers added at their own expense the dirk, and the purse of otter's skin. . . . From them, in 1775, were raised the Highland Emigrants, commanded by Colonel Maclean, a regiment which was of great service during the invasion by the Americans, in 1775. During six years in North America,

> Fraser's Highlanders continued to wear the kilt both winter and summer. They, in fact, refused to wear any other dress, and their men were more healthy than other regiments which wore breeches and warm clothing. . . . The French had formed the most frightful and absurd notions of the *Sauvages d'Écosse*, as they called them. They believed they would neither give nor take quarter, and that they were so nimble, that as no man could catch them, so nobody could escape them—that no one had a chance against their broadswords—that with a ferocity natural to savages, they made no prisoners, and spared neither man, woman, nor child.

The military settlers made their influence felt also in Montreal, the other original seat of British population. According to the Rev. Robert Campbell :

> The English and Scottish churches both owed their establishments in Montreal to the British soldiery that garrisoned the city after the conquest and when quitting the army took up their abode in it. The same was true of Quebec. Rev. George Henry, ex-chaplain to a Scottish regiment, organized the first Presbyterian Church in Old Canada in a large room in the Jesuits' Barracks, Quebec, in the year 1765. Among others who engaged in the fur trade of the North West Company were retired officers and privates of the Scottish regiments that had been concerned in the taking of Quebec and Montreal. Some of them were Highland gentlemen of high degree. It is not easy to realize it, but it is nevertheless a fact that a few of those who were present at the organization of the first Presbyterian congregation in a room on Notre Dame Street on the 12th of March, 1786, had as youths been actually engaged in the fight at Culloden in 1746, and several of them were children or descendants of those brave men who stood by the side of 'Prince Charlie' on that fated field. . . . None of them made a more brilliant record than the gallant 42nd or Black Watch and the *old* 78th or Fraser Highlanders.[1]

A large proportion of the Highlanders elected to stay in the country and had lands assigned to them, many of the

[1] Rev. Robert Campbell, *History of St Gabriel Street Church*, p. 22 *et seq.*

officers settling in Montreal or the neighbourhood. A few of the men followed Captains John Nairne and Malcolm Fraser to Murray Bay, where they have left many French-speaking descendants with Scottish names, and some went to Fraserville near Rivière-du-Loup. 'When the North-West Company was organized several of the retired officers of the 42nd and 78th regiments joined it. This service suited the adventurous spirit of the Gael not less than the army or navy.' [1]

Other Scots of similar standing were attracted to Canada by the presence there of their kinsmen. Even in 1765 a census of the British in the Montreal district [2] gives 98 out of 136 as born in the British Isles; 23 were from other parts of Europe; there were several Jews; and 12 were natives of the American colonies.

II

THE EARLY BRITISH CIVILIANS, 1759-82

IF the soldier was intrepid, so was the typical British fur trader. The earliest of prominence, Alexander Henry, a native of New Jersey, who had been for some years in the trade, anticipating a great opportunity for his business, hurried in from Albany on the news of the capitulation of Montreal. Obtaining permission from General Gage, first military governor at Montreal, Henry proceeded to Michilimackinac, and found the French traders everywhere hostile and secretly inciting the Indians. The attitude of these traders was largely instrumental in bringing on the famous conspiracy of Pontiac, with the Indian surprises at the forts at Detroit and other places. Four hundred Ojibways suddenly entered Michilimackinac and slaughtered most of the garrison and English traders. Henry was concealed by a Pawnee slave-woman in a Frenchman's garret. After-

[1] Rev. Robert Campbell, *History of St Gabriel Street Church*, p. 24.
[2] Haldimand Papers.

wards he was seized by a powerful Ojibway brandishing a large carving-knife, but this Indian relented, and, instead of killing him, adopted him. After many similar adventures and hardships he returned to Montreal, where he settled down in business, employed a number of young men as clerks, acquired a fortune, and ultimately sold out to the North-West Company. Henry wrote *Travels and Adventures in Canada and the Indian Territories*, and accurately charted the territories where he had travelled, presenting his charts to the governor, Lord Dorchester (Sir Guy Carleton). He was prominent in the early history of the Eastern Townships, and obtained several large grants of township lands for development. He died in 1824.

One of the most remarkable chapters in the history of North America is that of these first few years of the British period, ordinarily passed over as insignificant and characterless. The careful student will discover with surprise a largeness of issues, seemingly out of all proportion to the size of the community, and an important phase of the conflict between absolutism and liberty then waging in the mother country and her colonies. He will realize, too, why the Quebec Act of 1774 was a contributing cause of the American Revolution.

George III, seeking to rule the Empire personally and absolutely—an infatuation which was doubtless the beginning of that insanity which manifested itself so sadly in his later years—was tampering with the composition of parliament and forming by bribery the secret party known as 'the King's Friends,' and was determined to curb the opposing popular movement in the American colonies as well as at home. Ministers, corrupt and contemptible creatures such as Lord North and the Duke of Grafton, possible only under the rotten-borough system, and impossible under any plan that allows the expression of the public will, were co-operating with the king to suppress and defy the public unrest, created in England by 'Junius,' and in America by the colonial houses of assembly. This unholy alliance planned to bend the stiff neck of America, to separate New England from Virginia, and to set up in the rest of

the continent irresponsible forms of government in which obnoxious houses of assembly should have no part. Canada became the chief link in the scheme.

By royal proclamation of October 8, 1763, an assembly had been promised 'so soon as the state and circumstances of the said colonies [Canada, East and West Florida, and Grenada] will admit thereof,' and in November instructions to establish one were inserted in the commission to Brigadier Murray as captain-general and governor-in-chief of the Province of Quebec. This promise, and news of the consequent instructions, having reached Canada in 1764, became at once the basis of demands for an assembly emanating from the British civilian population. Murray refused, and there was deep indignation. The English-speaking members of the grand jury of Quebec conceived the device of embodying their grievances in a presentment, brought in during the October sessions, complaining of the arrangements made by Murray. They complained

> that the Great Number of inferior Courts establish'd in this province with an intention to administer Justice are tiresome, litigious and expensive to this poor Colony. . . .
>
> The Great number appointed Justices of the Peace out of so few men of Character legally qualified, and fit to be trusted with determining the liberty and property of His Majesty's Subjects to serve their Country as Jurors, is Burthensome and not practised in other Infant Colonys like this. It can answer no good end, to waste mens time, in attending on Courts where no man is upon the Bench qualified to explain the Law, and sum up the Evidences to the Jury, to prevent its being misled by the Barristers.
>
> That in the Southern Colonies, where men qualified to serve the publick are scarce, there are no Jurys calld but when the Chief Justice of the Province presides.

The ninth and tenth clauses read :

> We represent that as the Grand Jury must be consider'd at present as the only Body representative of the Colony, they, as British Subjects, have a right to be

consulted, before any Ordinance that may affect the Body that they represent, be pass'd into a Law, And as it must happen that Taxes be levy'd for the necessary Expences or Improvement of the Colony in Order to prevent all abuses & embezlements or wrong applications of the publick money.

We propose that the publick Accounts, be laid before the Grand Jury, at least twice a year to be examined and Check'd by them.

They petitioned further for 'proper regulations. . . . For establishing a publick protestant school.'[1] The signatories were twenty-one in number and included James Johnston, the foreman, John Danser, John Lymburner, Thomas Aylwin, Peter Faneuil, Phil. Payn and Thos. Story.

Other allegations were added by the Protestant jurors protesting against admission of Roman Catholics to any office as 'an open Violation of our most sacred Laws and Libertys, and tending to the utter subversion of the protestant Religion and His Majesty's power . . . and possession of the province to which we belong'; and they further protest against 'so many Gentlemen of the Army and in actual service exercising any Judicial Authority.'[2] The seven Catholic French grand jurors repudiated certain parts of the presentment, and the subscribers some short time later—doubtless before leaving the court—added a note explaining that their real intention had not been to attack or exclude Catholic fellow-subjects. 'Sentiments & intentions such as these we abhor, & are only sorry that principles do not allow us to admit Roman Catholicks as Jurors upon a cause betwixt two protestants; perhaps theirs hold us in the same light in a Case betwixt two Catholicks, and we are very far from finding fault with them, the same liberty that we take of thinking for ourselves we must freely indulge to others.'[3] The ostensible intention of the grand jurors was to protest against Murray's ordinance respecting juries. But it is evident that the presentment was hastily drawn, and not

[1] *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, pp. 153, 154, 155.

[2] *Ibid.*, p. 155. [3] *Ibid.*, p. 156.

fully read, and was in essence an outburst against Murray's arbitrary government. Some of its defects were due to the scribe, who, as both the matter and the grammar evince, was a native—as were also several of his comrades—of the New England colonies and had taken an interest in public affairs as conducted there. One signatory, Peter Faneuil (later a loyalist of the Revolution), was of the family of the wealthy and generous merchant who in 1742 built the market-house called Faneuil Hall and presented it as a gift to Boston. Story and Payn are also New England names. The governors thenceforward frequently refer to the section of 'colonists' as the chief source of agitation. Doubtless they took a decided part.

The rash and violent temperament of Murray was the immediate cause of the outbreak. Warm-hearted, conscientious, brave and outspoken, he was unfortunately exceptionally impulsive, prejudiced and tactless. A soldier and son of a Scottish peer, the fourth Baron Elibank, Murray never troubled to conceal his contempt of civilians, complaining to the Earl of Halifax, when confined to his powers as civil governor-in-chief, that 'the Canadians are to a man Soldiers,' and will look upon him as 'a Man degraded from the Profession of Arms.' He was, besides, at feud with each of his fellow-commanders, Gage, Burton and Haldimand, and was finally recalled on account of the disorders occurring in his government.

His preference for the French Canadians was based on their apparent submissiveness to superiors. The *noblesse*, or gentry, were his special favourites and repaid him by ample deference. Victor Coffin remarks:

> That his partiality for the *noblesse* went beyond the limits of justice and good government may be conjectured from the reference in their memorial in his defence to 'the politeness and deference of this governor for persons of good birth' and from his own acknowledgment that he did 'recommend to the magistrates at Montreal not to billet any of the soldiers upon the *noblesse* unless in cases of the utmost necessity'—a tenderness which he adds they had a right to expect 'from the regard paid to people of family in all countries.'

> And he somewhat naïvely inquires, 'Can there be a greater instance of the levelling spirit of my accusers than this very complaint?'

On October 29, in enclosing to the Lords of Trade the petition of the merchants of Quebec which immediately followed the presentment and repeated in more careful language their request for an assembly, the governor exclaims:

> Little, very little, will content the New Subjects but nothing will satisfy the Licentious Fanaticks Trading here, but the expulsion of the Canadians who are perhaps the bravest and the best race upon the Globe, a Race, who cou'd they be indulged with a few priveledges which the Laws of England deny to Roman Catholicks at home, wou'd soon get the better of every National Antipathy to their Conquerors and become the most faithful and most useful set of Men in this American Empire.[1]

This picture of the merchants and their views was grotesquely childish. The final sentiment, however, did credit to Murray's heart and is the redeeming feature in his treatment of the situation. He held to the old rule of class privilege and benevolent despotism, a system which had done much good work in the past, but which was the product of a crowded feudal world, engaging here in a momentous clash with modern conditions of life and the spirit of the woods and prairies where men have no masters. A moderate and tactful man, such as later was Haldimand, might have conciliated all interests and have had an important influence towards averting the lamentable coming disaster. But perhaps the age had to learn its lesson; and it must at least be conceded that Murray believed his course to be just, and his attitude has been endorsed by many who have relied upon imperfect information.

A little earlier, before the discussion, Murray had expressed his views to the home government as follows

> As there are but Two Hundred Protestants Subjects in the Province, the greatest part of which are disbanded Soldiers of little Property and mean Capacity,

[1] *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 167.

> it is thought unjust to exclude the new Roman Catholic Subjects to sit upon Juries, as such exclusion would constitute the said Two hundred Protestants perpetual Judges of the Lives and Property of not only Eighty Thousand of the new Subjects, but likewise of all the Military in the Province.[1]

On the surface this statement seems to contain much reason. But besides his lack of tact in carrying out his views, he failed utterly to comprehend the ideas and ability of that small civilian body. He failed to see what they saw—that, given a congenial form of government, the overflow from New England which was then seeking new fields would have soon found its way in numbers into the fertile St Lawrence valley, as it in fact did a few years later ; that the ordinary pressure of events in a house of assembly would have infallibly brought about proper representation of the French Catholics ; that discussion, British liberties, education and progress, and not stagnation, were to the best advantage of the non-British element ; that the two peoples ought to be brought together and not separated ; and that the general advance of a whole country in modern times could never be served by a narrow appointive council and personal control. Murray failed also to recognize the existence among even so small a group of merchants of a considerable number of men of exceptional capacity, who would have formed the natural leaders of the rest, and beside whom he himself was a child in intelligence and real experience of affairs.

The special complication of the Canadian situation was the presence of the overwhelming majority of French Catholics, conquered but yesterday and, though temporarily conciliated, still completely alien and anti-Protestant, and furthermore equally ignorant of business affairs and of politics. Both French and English, both Murray and the British civilians, understood perfectly that it was impossible to place these people in supreme control. Protestant jurors and a Protestant assembly had not of course the strange and illiberal appearance that they would have in our day.

[1] *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, footnote, p. 149.

The parliaments of Great Britain and of Ireland were both Protestant. Extreme Protestant exclusiveness, too, had its counterpart in the extreme Catholic exclusiveness of other nations, and had long found its utmost expression in New France itself. The presentment of the Quebec Grand Jury was the first crude stage of Canada's democratic development. The petition was another stage. The very discussion over their defects developed the principles of liberty and toleration.

The alternative remedy favoured by Murray was to continue the personal despotism of the governor and to impress class rule more firmly on both the English and the French peoples of the country. The French masses never thought of resisting him, and, indeed, knew little or nothing of what was proceeding. But the British residents continued their assertion of rights. A 'Petition of the Quebec Traders'[1] to the king immediately followed the presentment. After expressions of loyalty it proceeds:

> Our Settlement in this Country with respect to the greatest part of us; takes it's date from the Surrender of the Colony to your Majestys Arms; Since that Time we have much contributed to the advantage of our Mother Country, by causing an additional Increase to her Manufactures, and by a considerable Importation of them, diligently applied ourselves to Investigate and promote the Commercial Interests of this Province, and render it flourishing.
>
> To Military Government, however oppressive and severely felt, we submitted without murmur, hoping Time, with a Civil Establishment would remedy this Evil.
>
> With Peace we trusted to enjoy the Blessings of British Liberty, and happily reap the fruits of our Industry: but we should now despair of ever attaining those desirable ends, had we not Your Majesty's experienced Goodness to apply to.

Then follow protests against the use of the old French paper money, and against the reservation of certain of the

[1] *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, pp. 168, 169.

best trading-posts as His Majesty's private domain. The traders complain further of :

> The Enacting Ordinances Vexatious, Oppressive, unconstitutional, injurious to civil Liberty and the Protestant Cause.
>
> Suppressing dutifull and becoming Remonstrances of your Majesty's Subjects against these Ordinances in Silence and Contempt.

The petitioners proceed to attack Murray :

> The Governor instead of acting agreeable to that confidence reposed in him by your Majesty, in giving a favorable Reception to those of your Majesty's Subjects, who petition and apply to him on such important Occasions as require it, doth frequently treat them with a Rage and Rudeness of Language and Demeanor, as dishonorable to the Trust he holds of your Majesty as painful to those who suffer from it.

They draw attention to :

> His further adding to this by the most flagrant Partialities, by fomenting Parties and taking measures to keep your Majesty's old and new Subjects divided from one another, by encouraging the latter to apply for Judges of their own National Language.
>
> His endeavouring to quash the Indictment against Claude Panet (his Agent in this Attempt who laboured to inflame the Minds of the People against your Majesty's British Subjects) found by a very Worthy Grand Inquest, and causing their other judicious and honest Presentments to be answered from the Bench with a Contemptuous Ridicule.
>
> This discountenancing the Protestant Religion by almost a Total Neglect of Attendance upon the Service of the Church, leaving the Protestants to this Day destitute of a place of Worship appropriated to themselves.

Here the tone of the merchants becomes threatening :

> We could enumerate many more Sufferings which render the Lives of your Majesty's Subjects, especially your Majesty's loyal British subjects, in the Province so very unhappy that we must be under the Necessity of removing from it, unless timely prevented by a Removal of the present Governor.

The petition then asks for 'a House of Representatives to be chosen in this as in other Your Majesty's Provinces; there being a number more than Sufficient of Loyal and well affected Protestants, exclusive of military Officers, to form a competent respectable House of Assembly; and Your Majesty's new Subjects, if Your Majesty shall think fit, may be allowed to elect Protestants without burdening them with such Oaths as in their present mode of thinking they cannot conscientiously take.'

The signatures are those of the English grand jurors with the addition of Edward Harrison, Eleazar Levy, Jas. Shepherd, John Watmough, John Ord, George Allsoopp, Wm. Mackenzie, B. Comte, Jas. Jeffry, John Purss, Geo. Measam and Jn. A. Gastineau.

The personnel of these traders whom Murray attacks with such contempt shows the strength of the movement. James Johnston, who was chosen foreman by the rest, was a leading merchant in the little community. His temperate disposition is shown by the fact that when the Grand Jury received a scurrilous anonymous letter reflecting on Murray as 'a certain Gubernator Incredentus,' Johnston sent it on to the legislative council with a deprecatory note as 'unsupported abuse' to 'a dignified character.'[1] In January 1787 he is one of a committee of seven of the best-known merchants of Quebec appointed to report to the council regarding commercial affairs. Such a man certainly did not deserve Murray's abusive descriptions.

John Danser, merchant, apparently from England, died in 1769. The chancery inventory of his effects proves him a man of substance, enterprise and education. His books included two French-English dictionaries, three French grammars, Locke *On the Human Understanding* and *On Education*, Milton's *Paradise Lost*, Plutarch's *Lives* and many other similar works—seventy-seven in all. He was executor to his friend Peter Travers, an English merchant and brig-owner of Quebec, whose inventory included a Latin Bible, a Hebrew and Chaldaic Lexicon, Seneca's Comedies, a Greek grammar, and so on. His books of account show

[1] Minute of Legislative Council, November 18, 1764.

large mercantile transactions, voyages to Great Britain and Jamaica, and a Montreal branch of his business.

John Lymburner was one of three brothers, merchants of Quebec, Adam, a man of marked ability, being more prominent in constitutional movements later. Thomas Aylwin, an Englishman, father of Thomas C. Aylwin, the distinguished judge, was later a well-known merchant. Peter Faneuil's high standing has been already indicated. He was evidently one of those to whom Governor Carleton afterwards referred[1] as quitting the colony 'from more advantageous views elsewhere.' Edward Harrison and George Allsoopp were appointed members of the legislative council in 1778. Eleazar Levy was one of the Jews who had followed the army.

The signatories were men of capacity, character and education of a high order. When we reflect that their views were soon afterwards endorsed by men such as Sir Alexander Mackenzie and the Hon. James McGill, founder of McGill University, the injustice of Murray's petty prejudice against their class and its ideas becomes plain. Its superficiality appears even from his exaggerated idea of the seigneurs, who, as Sulte and Parkman have shown, were of recent and mainly plebeian origin, far more so than many of the British Quebec traders, to whom they were inferior in education and experience. They were their superiors only to a small extent in graces of manner, but these they naturally used upon Murray to the best effect. It was soon to be demonstrated that their alleged influence with their people was little more than a dream of Murray's. Still they were an element of considerable importance, and most of them repaid the kindnesses of Murray by genuine personal loyalty.

Murray at once sent home lists of the Protestants—a hundred and forty-four in Quebec, fifty-six in Montreal—and, in consonance with his reports, was instructed by the home government to signify His Majesty's highest disapprobation of the forms of proceeding chosen. On March 3, 1765, he speaks of the merchants as 'chiefly adventurers of mean

[1] *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 198.

education, either young beginners, or if old traders, such as had failed in other countries ; all had their fortunes to make and are little solicitous about the means '—a description applicable in part to the type that are settled to-day in the new places of the Canadian West. In August 1766, after his recall, his vengeful parting shot was, ' I report them to be in general the most immoral collection of men I ever knew.' These words, written in his moment of utmost ' Rage and Rudeness of Language ' and often quoted, have been taken far too seriously. The foregoing biographical details—which are not specially selected—prove that Murray's angry insult is of no value as evidence. No doubt, as in all communities, a few were immoral, a few cunning and ambitious, but exactly the same charge could be proved against Murray's own fellow-officers ; and the black sheep were neither in the majority nor were they to be the chosen leaders and representatives of the agitators. The trouble in Murray's time was at root a class war, fought, on one side, for the perpetuation of privileges, and, on the other, fundamentally, though perhaps not purely, for their abolition.

It was early in 1766 that Murray was recalled, on account of the disorders of his rule, and he was replaced by Colonel Sir Guy Carleton. The British, though discouraged, had increased from two hundred to four hundred and fifty in two years.

In Carleton the colonists had to do with a man of suaver temperament and more definite policy. He also had fine personal qualities ; and few soldiers of nobler type have ever appeared in America. Those who hold his sentiments rank his military contribution to the making of Canada second only to that of Wolfe. Yet as a civil ruler he was substantially a failure and virtually lost the colony before luck and the exertion of all his resources of skill and resolution retrieved it. Born in Ireland of a military family, Carleton had served at Louisbourg before coming to Canada. He distinguished himself at the Battle of the Plains and was a favourite friend of Wolfe, who greatly admired both his character and his military qualities. His idea of duty was obedience to the wisdom of the king and government. Quick

to form theories, the new governor was already settled in his opinions when he entered upon office in the summer. As early as February 1767 he was quietly preparing the province for the Revolutionary War, which he foresaw, and writing to Gage, the commander-in-chief, at New York, urged the preparation of citadels at Quebec and New York, and the repair of the intervening fortresses, to 'curb and overawe,' should the occasion ever arise, men 'not thoroughly bound to their Duty,'—the men of New England. This policy, he said, 'will separate the Northern from the Southern Colonies, will afford an easy and advantagious Opportunity of transporting His [the King's] Forces into any part of this Continent, and may prevent the greatest of all Inconveniences, Delay and Loss of Time in the Beginning of a War.'[1]

His views and conduct, being in consonance with the king's notions and the declared policy of the home government, were endorsed in London; in November 1767 he stated his theory more fully in a report to Lord Shelburne. The British civilians could not raise five hundred armed men: he would place greater reliance on the seigneurs and the French-Canadian population for defence.

> Having arrayed the Strength of His Majesty's old and new Subjects, and shewn the great Superiority of the Latter, it may not be amiss to observe, that there is not the least Probability, this present Superiority should ever diminish, on the Contrary 'tis more than probable it will increase and strengthen daily: The Europeans, who migrate never will prefer the long unhospitable Winters of Canada, to the more cheerful Climates, and more fruitful Soil of His Majesty's Southern Provinces; The few old Subjects, at present in this Province, have been mostly left here by Accident, and are either disbanded Officers, Soldiers, or Followers of the Army, who, not knowing how to dispose of themselves elsewhere, settled where they were left at the Reduction; or else they are Adventurers in Trade, or such as could not remain at Home, who set out to mend their Fortunes, at the opening of this new Channel for Commerce, but Experience has taught almost all of them, that this

[1] *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 195.

> Trade requires a Strict Frugality, they are Strangers to, or to which they will not submit ; so that some, from more Advantagious Views elsewhere, others from Necessity, have already left this Province, and I greatly fear many more, for the same Reasons, will follow their Example in a few years ; But while this severe Climate, and the Poverty of the Country discourages all but the Natives, it's Healthfulness is such, that these multiply daily, so that, barring a Catastrophe shocking to think of, this Country must, to the end of Time, be peopled by the Canadian Race, who already have taken such firm Root, and got to so great a Heigth, that any new Stock transplanted will be totally hid, and imperceptible amongst them, except in the towns of Quebec and Montreal.[1]

During 1767 the British merchants respectfully continued their request. In January 1768 Carleton reports :

> Three or four of the Old Subjects, about a year ago, brought me the rough Draft of a Petition for a general Assembly, and hoped, I had no Objection to their having it signed by all the British, who wished to have one called ; I told them, I had many Objections to great numbers signing a Request of any Kind, that it seldom conveyed the sincere Desire of the Subscribers, that it had an Appearance of an Intention to take away the Freedom of granting or refusing the Request ; I had no Objection to Assemblies in General, yet such was the peculiar Situation of Canada, tho' I had turned that Matter often in my Thoughts, I could hit off no Plan that was not liable to many Inconveniences, and some Danger ; . . . about a Month after, they asked me, if I had considered of their Request, and I repeated my former Answer.[2]

Though realizing that Carleton was hostile, the merchants, spurred by letters from home, had petitioned actively under the leadership of John McCord and with the aid of Francis Masères, the attorney-general, an English barrister of Huguenot descent and called by Carleton an 'unexceptionable character,' who had recently arrived. Masères disclaimed responsibility, but was friendly. Carleton belittles

[1] *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 198.

[2] *Ibid.*, p. 206.

M^cCord while admitting his 'sense of honesty,' alleging that he was a small North of Ireland innkeeper who had prospered in the liquor trade of Quebec.

The governor consulted his friends, the principal seigneurs, who

> fear nothing more than Popular Assemblies, which, they conceive tend only to render the People refractory and insolent; Enquiring what they thought of them, they said, they understood some of our Colonies had fallen under the King's Displeasure, owing to the Misconduct of their Assemblies, and that they should think themselves unhappy, if a like Misfortune befell them. It may not be improper here to observe, that the British Form of Government, transplanted into this Continent, never will produce the same Fruits as at Home, chiefly, because it is impossible for the Dignity of the Throne, or Peerage to be represented in the American Forests.[1]

He further observed 'That a popular Assembly, which preserves it's full Vigor, and in a Country where all men appear nearly upon a Level, must give a Strong Bias to Republican Principles.' He is doubtful 'Whether the independent Spirit of a Democracy is well adapted to a subordinate Government of the British Monarchy, or their incontrollable Notions ought to be encouraged in a Province, so lately Conquered and Circumstanced as this is. . . .'[2]

These then were the fixed views with which the new governor—notwithstanding his pretence that he 'had no Objection to Assemblies in General'—regarded the plan of the civilians. He grew infatuated with the idea that by establishing the seigneurs and Church in their old privileges he could make of them the main support of the king in the coming war against his own subjects and race, and Canada, 'the principal scene, where the fate of America may be determined'; he dwelt on 'how greatly Canada might forever Support the British interests on this Continent, for it is not united in any common principle, interest, or wish with the other Provinces, in opposition to the Supreme-seat of Government.'[3]

[1] *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 206.
[2] *Ibid.*, p. 207. [3] *Ibid.*, p. 228.

A policy of great secrecy regarding Quebec was now adopted by the British government.[1]

Early in 1770 the long-delayed new petition was drawn—this time by a skilful hand. It laments that for want of an assembly to develop the country the French are in extreme poverty and misery; depicts concisely the advance of the British merchant class to the leadership of the whole vast province; how they carry on three-fourths of the trade of the country, and are sufficient in number, proprietorship and other qualifications to form a general assembly. The thirty-one signatures include those of James McGill, Edward Harrison, Lawrence Ermatinger, Isaac Todd (McGill's partner), Alexander Henry, George Gregory, Simon Fraser, Aaron Hart and other leaders, of whom McGill, Todd, Henry and several others represented Montreal; besides John McCord, Zachary Macaulay (a naval officer who had served at Louisbourg), Charles Grant, John Lees and Peter Fargues, of the Quebec Merchants' Committee, who sign together. Carleton did not forgive this committee later on. The plea, it will be noticed, is for the French masses as well as for the British.

The next recorded step of the civilians was 'a meeting of the British inhabitants of the province of Quebec,' held, upon the visit of a committee of the Montreal inhabitants (who were headed by the famous magistrate Thomas Walker), at Miles Prentice's Inn in the Upper Town on October 30, 1773. At this meeting John McCord was chosen president and ten others a committee. Captain Malcolm Fraser, of Fraser's Highlanders, who gave the alarm at Montgomery's attack on Quebec in 1775, was their secretary. The committee drafted a new petition, sent it to the inhabitants of Montreal, and consulted the French leaders, of whom a majority, but not all, held aloof. They also sent a copy to Masères in London, saying:

> It is now the general opinion of the people (French and English) that an Assembly would be of the utmost advantage to the Colony, tho' they cannot agree as to the Constitution of it. The British Inhabitants of

[1] *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 263.

> whom we are appointed a Committee are of very moderate principles. They wish for an Assembly ; as they know that to be the only sure means of conciliating the New Subjects to the British Government as well as of promoting the Interests of the Colony and securing to its Inhabitants the peaceable possession of their rights and propertys. They would not presume to dictate. How the Assembly is to be composed is a matter of the most serious consideration : They submit that to the Wisdom of His Majesty's Councils.[1]

The new petition was short and direct. It was first sent to the governor with fifty-one signatures from Quebec and thirty-nine from Montreal ; then, incorporating his answer that he would transmit it, the committee renewed it to the king with sixty-one from Quebec and eighty-seven from Montreal—a list that included nearly all that was best in the Canadian commercial community. At the same time the petitioners wrote to Lord Dartmouth, the secretary of state, that no temporary measure would satisfy either the old or new subjects, and, since Cramahé, Carleton's secretary, had written trying to belittle them personally, they remarked that they had well weighed and seriously considered all the objections ' advanced by some Persons ' without experience or interest, and ' that in their humble opinion the Province is at this Time perfectly mature ' for an assembly ; and furthermore

> Your Memorialists have the honour to assure Your Lordship, That the Number and real Property of His Majesty's antient Subjects are not so trifling as may have been represented, for several of them possess the largest and best cultivated Seigniorys in the Province . . . and most of them are proprietors of freehold Estates. Their Personal Estates by far exceed those of the new Subjects. The Trade and Commerce of the Country ever since the Conquest and at this Time being principally carried on by His Majesty's old Subjects.[2]

The part of the civilians of Montreal in the agitation deserves special notice. Prominent among them was the

[1] *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 343.

[2] *Ibid.*, p. 350.

magistrate and merchant Thomas Walker, a masterly man, of perhaps too uncompromising democratic principles, who had won much sympathy as the victim of a murderous assault in his own house in 1764, at the hands of some wild spirits among the tory officers. He was born in England in 1718, went to Boston at the age of thirty-four, and ten years later—in 1763—settled in Montreal, buying a large stone house next the Château de Ramezay, which seems to have been the headquarters of the citizen party. Embittered by his wrongs, he aided and joined the Americans in 1775. A few other New Englanders there joined or aided the same party.

But in Isaac Todd, John Porteous of the Montreal Committee, and many other petitioners on the long list of signatures are to be found the most loyal, sterling and moderate persons in the community; and if before and at the commencement of the Revolutionary War some Montreal merchants were set down as the leaders of discontent and as ready to surrender easily to the invaders, it must be admitted that their treatment at the hands of Murray, Carleton and the thoughtless military circle gave them some justification. The 'Gentlemen of the North-West Company' and their mercantile kin were never of the temper of the townsmen of Massachusetts. These famous fur traders had hastened to make their headquarters at Montreal immediately after the Conquest, and at once took possession of, and adventurously extended, the rich trade of the West, which was in ruins at the end of the monopolistic régime of New France.

Carleton and the home government answered the last petition by rushing on the project of securing the support of the seigneurs and priests. To this end they re-established the old French feudal and ecclesiastical régime in the form of the Quebec Act, June 1774. There was to be a council and no assembly. 'Submission and Respect' were to be the part of the civilians, as though they were yokels on some English estate. A portion of the plan of the act, openly declared, was to create of the whole interior of the continent a territory into which British settlers, with their pestiferous

notions of self-government, should not be admitted! Not only the merchants of Canada, but those of London, Boston, and New York, loudly protested, and the Congress of the Colonies held at Philadelphia on September 5, 1774, declared the evident object of the act to be 'to reduce the ancient free protestant colonies' to slavery, and its character to be 'hostile to British America' and 'extremely dangerous to our liberty and quiet.'

The secretary of state, Lord Lyttelton, on the other side, in pushing on the bill in the House of Lords, said that 'if British America was determined to resist the lawful power and pre-eminence of Great Britain, he saw no reason why the loyal inhabitants of Canada should not co-operate with the rest of the empire in subduing them and bringing them to a right sense of their duty.'

The respectful representations of the Canadian merchants were in vain. The Revolutionary War broke out—the logical consequence of the infatuation of the king and his friends—and in 1775 Canada was invaded by Montgomery and Arnold. This was the test of who was right—Carleton, relying on his theory of binding the submissive Canadians to enthusiastic loyalty through the influence of the seigneurs and clergy; or the experienced men of affairs in daily contact with the masses and with actual conditions. Carleton called upon his seigneurs: they responded. They called upon their people. Carleton had calculated on a willing loyal army of from six to eight thousand militia as the result of his policy. What was the response? The French people refused; they stood aloof; they openly repudiated the demands of their old masters to order and control them, and showed how deeply they had been influenced by the discussions over free institutions. Many welcomed the rebels, others enlisted with them. When the force gathered by the seigneurs surrendered at St John's on November 2, it contained forty-seven officers and only thirty-six militiamen! The pitiable fiasco greatly disappointed Carleton. He was disillusioned; his main theory was shattered. Deserted in the Montreal end of the province, and making his escape with the utmost difficulty and danger to Quebec

City, he had perforce recourse to that very civilian element he had so heartily despised, to eke out his scanty garrison in the desperate defence that followed. It may be remarked that he ordered M^c^Cord and his committee and some others to leave the town during the siege; but his second idea—that the British traders could not be trusted as a whole—was thus also belied by events. His third idea—that the province must 'to the end of time be peopled by the Canadian Race' alone, and that therefore British institutions were unnecessary—was soon equally disproved. For by the influx of a large number of refugee loyalists of the Revolution the British element was so greatly increased that it was necessary to create at once not one but two assemblies and provinces. Even during the Revolution Carleton could not prevent many Vermonters from pressing across the border as simple squatters, and a little later they overflowed into the Eastern Townships and Upper Canada. Carleton was a gallant soldier and a man of sterling fidelity. But he misunderstood the problem that had been given him to solve, and the whole subsequent course of Canadian development has but added to the evidence against his views.

What would have happened if Murray or Carleton and the home government over them had acceded in the beginning to the principle of representation, so moderately advanced, by creating some form of an assembly? Is it not clear that a main and immediate cause of the Revolutionary War would have been absent? Is it not probable that the Canadian assembly would have proved a good moderating influence upon the forces of unrest in the American colonies of Britain? Was there ever a madder policy than that of George III, the maintenance of power by the armed force of alien races—French and Hessian? What could the moderate men of America do to counteract the effect of such folly? It must be remembered that the British colonists of Canada were not, like those of New England, descendants of the Roundhead tradition, inheriting the memory of persecuted ancestors and a proscribed and insulted faith; nor even inheriting a history of past constitutional struggles in their own province. They were chiefly loyal Scotsmen of

some education and responsibility, likely to favour calm and conservative methods, as their various petitions show. Their influence over the colonial element in their own midst is an indication of what they might have done throughout the continent if accorded proper power and standing. It is due to those British civilians, the pioneers of the race in Central Canada, and their agitation, which they continued in 1784, that parliamentary institutions were ultimately established in the Dominion.

III

THE LOYALISTS AND DISBANDED SOLDIERS OF THE AMERICAN REVOLUTION

THE general story of the loyalists, their origin and sufferings in the revolted colonies, is related elsewhere in this work.[1] The meaner elements hounded and robbed them: others treated them with bitter partisan aversion. They found refuge in Canada. The main stream of their settlement was at first directed to Montreal. Thence they were taken later to the new townships specially established for them from Lake St Francis westward along the St Lawrence, afterwards separated as Upper Canada. They began to come in thickly towards the end of the war, and refugee settlements were formed at Machiche, Lachine, Sorel, Chambly, St John's and other points. Their situation was pitiable; they possessed nothing and were reduced to absolute dependence on the aid of government and the citizens. Major Nairn and afterwards Major Jessup, and in 1782 a distinguished citizen of Albany, Abraham Cuyler, himself a refugee, were appointed to take charge of the necessitous loyalists at Montreal.

There was a return made 'of Disbanded troops and Loyalists settled upon the King's Lands in the Province of Quebec in the year 1784.' It showed 'on the Seigniorie of Sorel' 95 men and 70 women. Then are given those settled in the new 'Royal Townships' Nos. 1 to 8 'at the

[1] See sections VII and IX.

Long Sault and upwards' (Cornwall). At Lachine, nine miles above Montreal, were 207, of whom 46 were women; 'in and about Montreal' 617, of whom 132 were women; 'in and about Fort Chambly' 66, of whom 14 were women; 'in and about St John's' 379; 'at the Bay of Chaleurs' 450. The total number on this list was 5628, of whom nearly 1000 were women, nearly 2000 men, and the rest children. This large proportion of women and children tells a sad story of the cruelty of civil war. A few of the disbanded soldiers so constantly coupled with the loyalists were not of the latter class, but were Hessians and ordinary regulars; but the regiments disbanded were chiefly special bodies of loyalists, several of which were established at the instance of General Sir John Johnson, son of the famous baronet, Sir William, of Johnson Hall on the Mohawk River, the friend of the Six Nations Indians. Sir John had commanded one of the regiments of colonials at the taking of Montreal under Amherst in 1760. He now took up his residence there for the rest of his life and was considered the leader of the loyalists.

Lists of these very numerous people appear in the papers of Governor Haldimand in 1784. Some are described as 'Refugee,' others '2nd Batt. R.R.N.Y.' or '1st Batt. R.R.N.Y.' (meaning 'Royal Regiment of New York'); others 'Butler's Corps' or 'Jessup's Corps,' '84th Regiment' (Highlanders), '34th Regiment' and so on. Some are marked 'returned to the Colonys' or 'the States'; some 'returned to the States for his family.' A frequent entry is 'Intends going on his lands this Fall' or 'Intends going on the King's lands in Spring.' Others read 'Man going to Cape Breton, Woman old and infirm'; 'Infirm old man not able to go on lands'; 'Two boys gone on lands, Woman to go in the Spring'; 'At Isle Jesus'; 'An old blind man, family small children'; 'Negro slave'; 'Is not entitled to provisions'; 'Gone to Montreal'; 'Gone to Coteau du Lac for seed wheat'; 'Gone to Canada'; 'Man gone to Cataraqui for boards'; 'Gone to Niagara.'

Thus most of those in the province went West, and immediately it became evident that a new province was to be

founded, and that British laws and institutions must be re-established and an assembly granted.

In 1783, even before the actual signing of the treaty of peace, the home government instructed Haldimand to grant the loyalists lands in a number of new royal 'Seigneuries or Fiefs,' each to be two to four leagues in area. They were particularly not to be called 'Townships,' but were to be held under feudal tenure. The seigniory of Sorel had been purchased by the crown some time before and was specially recommended; hence it became one of the first settlements.

In 1784 practically all the leading British inhabitants of the province again petitioned the king for an assembly and repeal of 'that obnoxious and impolitick law,' the Quebec Act. They 'look with Concern on the burthen of Great Britain, and with great Pain and Commiseration they see the distresses of Your Majesty's loyal Subjects, who, driven from their Estates, Wealth, and Possessions are daily taking Shelter in this British Colony,' and they express their desire 'of rendering this Mutilated Colony a bright Gem in the Imperial Crown of Great Britain.'[1]

On April 11, 1785, Sir John Johnson and the loyalist leaders also petitioned the king on behalf of all the loyalists, for a division of the province and 'that the Blessings of the British Laws and of the British Government and an exemption from the Tenures' might be extended to their settlements towards the West. Continuing their efforts, in conjunction with the merchants, some of whom, like Adam Lymburner, continued to lead in the movement in which they had already taken so prominent a part, they at length bore down all opposition and the Constitutional Act of 1791 was obtained, repealing the Quebec Act, dividing the province into Upper and Lower Canada, and granting each an assembly.

Within the limits of Lower Canada, itself, thus formed, the loyalist element still maintained a considerable influence. In the centres they gave many noted names to government, arms and commerce; among others Sir Thomas Aston Coffin, secretary of Lower Canada, General John Coffin and his sons, Admirals John and Henry Coffin, greatly

[1] *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, pp. 503, 505.

aided Carleton in saving Canada in 1775; Judge Jonathan Sewell was the father of Jonathan, later chief justice of the province; Abraham and Cornelius Cuyler were eminent citizens of Montreal; Isaac Winslow Clarke, of Boston, was commissary-general of Lower Canada; Charles Richard Ogden was attorney-general. Among other noted names were the Hallowells, Smiths, Fishers, Watts, and the Rev. John Bethune.

By the Constitutional Act of 1791 the Eastern Townships became a possibility. That act exempted from French seigneurial tenure any lands petitioned to be granted under English tenure—called 'free and common socage.' Townships, as distinguished from seigniories, immediately began to be settled by English-speaking people all along the southern border of the province. The settlers were at first chiefly loyalists, although a few Vermonters and New Yorkers had already pushed in as squatters even during the Revolutionary War. A thin manuscript account-book in the Archives at Ottawa, marked 'Memorials for Land Referred to the Land Committee by order of His Excellency Major-General Clarke,' records tersely much of the foundation history of these townships, and very full and satisfactory documents regarding the early days of each are also kept there. From the Land Book in question it appears that there was a rush of applications for large tracts in 1792 and 1793, by many of the officers of loyalist and other regiments; by chief government officials such as Samuel Holland, the surveyor-general, who applied for many thousands of acres of choice tracts which struck his eye; by Jenkin Williams, the secretary of the council; by leading merchants, such as Alexander Henry; by some of the seigneurs like Longueuil, Lanaudière and Lotbinière, for tracts near their seigniories; even by an occasional American speculator like John Jacob Astor of New York; and especially by numerous leaders of groups ready to enter into conjoint development of a township. Here is recorded the first step in the opening of Brome, Sutton, Kingsey, Rawdon, Beverley and many other townships. Thenceforward the development of these regions was to be a work of stout-hearted detail in the reclaiming and extension

of farms, the establishment of schools, the maintenance of a powerful body of British opinion and influence in the province, and the rearing of a breed of men and women worthy of the British tradition.

The principal scene of these achievements was the valley of the St Francis River and its neighbourhood. Some examples of the first applications made will throw light on the subject:

Joseph Moore, late a lieutenant in the 20th Regiment, had served as a subaltern 'during the late war' and was made prisoner under the Convention of Saratoga. He remained a prisoner during the space of four years. He had a wife and four children, and asked for two thousand acres. He was recommended for twelve hundred acres, the grant to be made on a township on the River St Francis.

Barent Roorbach, formerly captain in the 1st battalion of General Oliver de Lancey's corps of New York loyalists, asked for three thousand acres of land on the north side of the River L'Assomption. He was a native of New York of Dutch extraction; had raised his own company, having sold a small patrimony for that purpose; and had commanded a light company under Sir James Baird at the taking of Savannah and during the campaign under General Prevost, doing duty till the evacuation of Charlestown. He was broken down in health and sent to Halifax and later to England. He had a wife and seven children and wished to settle permanently in Canada.

Major Thomas Bray, R.A., commanding at William Henry, had been an officer since January 1, 1759, and had served the greater part of the time in America. He had three sons and was without any visible means of providing for them. He prayed for a grant on the 'Yemaské' River in the township of Farnham. His request was for five thousand acres.

Richard Brooke arrived from England in 1774, settled in Tryon County, New York, and was appointed a magistrate. He was seized and confined in Johnstown prison for fourteen months; then escaped and came to Lower Canada. He asked for a portion of land at Magog. His petition was rejected, as he did not pray for a definite quantity.

William Moffat, late of Major Edward Jessup's corps of rangers, applied on behalf of himself and his son, Robert Moffat. The petitioner took a very active part in 'the late contest between Great Britain and America,' joined the army under Lieutenant-General Burgoyne at Fort Edward in 1777, and served till captured by the rebels. He effected his escape and came to Canada. He then joined the corps of loyalists under Major Jessup and served until the general reduction in 1783.

Nicholas Andres stated that as early as the year 1778 he had evinced his loyalty by his exertions, as a lieutenant in Captain Hiram Gray's company, in raising recruits in the Province of Maryland agreeably to instructions received from Lord William Campbell. On attempting to join Lord Cornwallis he with others was taken prisoner and committed to jail. According to his account he was in irons for seventeen weeks, was treated with the grossest insults and cruelties and condemned to death. He states that his coffin was 'produced before his face and he was compelled to pay for it.' Several of his friends were hanged before his eyes and he was sent on board a French man-of-war, where he was most brutally treated, but finally succeeded in escaping. He received five hundred acres.

Among other loyalists distinguished as actual founders of the townships and not mere applicants, were Nicholas Austin, the patentee of Bolton, who came in from Somersworth, New Hampshire, in 1793, receiving 62,671 acres for himself and associates; Samuel Gale and Micah Townend, patentees of Farnham; Samuel Willard of Stukeley; Captain Odell of Odelltown; Frederick Scriver of Hemmingford; and Captain John Savage of West Shefford.

A list of the first grantees of all kinds may be found in Bouchette's *Topographical Description of Canada*, 1815. It contains nearly two hundred entries, dating to 1814 and totalling over 3,000,000 acres of the best land in Canada. The later gifts are largely made to speculators of position in the official and commercial world, whose unimproved grants caused great discontent and hardship to the actual

settlers thus deprived of roads and neighbours. Members of the council and their friends took fraudulent advantage of the system of 'leaders and associates.'[1] The land-grabber pretended to undertake the settlement of a township or other area. As ostensible leader he secured the signature of a number of alleged associated applicants. Each obtained 1200 acres. Then all these conveyed their lots to the leader, according to a previous signed agreement, blank forms of such agreements being printed and publicly sold by Quebec law stationers. Charles Buller reported to Lord Durham that under Lieutenant-Governor Sir Robert Shore Milnes, and under the same six members of the executive council who constituted the Land Board, 1,425,000 acres were granted to about sixty individuals. They granted the governor 48,000 acres and each of themselves 12,000. Besides, two-sevenths of every township were kept idle for crown and clergy reserves.

One of the most interesting and flourishing of the loyalist centres was that around Missisquoi Bay at the northern end of Lake Champlain, in the seigniory of St Armand. The first settlement was made in 1785 by some loyalists of Dutch extraction, who by 1815 had taken up 187 lots of 200 acres each 'besides an extent of nearly three miles in depth from Missisquoi Bay by the whole breadth divided into much smaller portions and now extremely well cultivated.' The village of Phillipsburg was 'a handsome place containing about sixty houses exceedingly well built, of wood.' Twelve miles away was the village of Freleighsburg, built by the same people.

A class of applications resulting from the Proclamation of 1792 was that of numerous non-loyalist Americans, chiefly from Vermont, attracted by reports of the goodness of the lands in the new region near them across the Canada line. For example, Isaac Coit and associates prayed for a township ten miles square on the east side of the River Chaudière. William Coit was the memorialist and stated that he had been at Southwick and 'found great numbers of the class of industrious farmers associating and combining with each other

[1] *Annual Forestry Report of Ontario*, 1899, p. 53.

for the purpose of immigrating to some of the new federal states.' He gave them 'information of the conditions and encouragement given to settlers' contained in the Proclamation of February 7, 1792, also of the 'luxuriency of the soil of a great part of the vacant land in the province and the great liberality of the government' with regard to taxes, etc. The number of men associated with him were seventy-three.

As a matter of fact so many of the applicants of influence at Quebec and Montreal did nothing with the large grants obtained by them that most of the townships were settled almost exclusively by this Vermont and New Hampshire population, who, close at hand and accustomed to backwoods life, constituted for a considerable time the principal influx and entered as squatters. They were first heard of as such about Lake Memphremagog. Shipton, on the River Nicolet, near the St Francis, was one of their first spheres of cultivation, flourishing under their leaders, Elmer Cushing and William Bernard. Brompton, Melbourne and Ascot were similarly begun. In the end they formed the dominant element in all the region known as the Eastern Townships proper. In time they became in general attached to Canada in sentiment as firmly as the original loyalist leaven of the land. Learning of the rapid growth of this American community within the province, Governor Craig in 1810 determined to link their interests with the city of Quebec by means of the locally celebrated 'Craig's Road,' a highway to the frontier running over sixty miles of its length through uninhabited forest to Shipton, where it joined a road already constructed leading the rest of the distance. Being refused help from the assembly, where the French majority were hostile to English-speaking immigration, Craig constructed the work himself, through the soldiers of the garrison, granting lands to cover the expense. This road formed not only a most advantageous line of outlet for the products of the townships (immediately reducing the price of beef and other provisions in the city), but resulted in several new settlements of retired soldiers and others establishing themselves along it. Drummondville, founded

by Major-General Heriot after the War of 1812, was one of these settlements.

In the Ottawa Archives is an interesting field-book showing the general state of the townships at the beginning of their history. It was kept by Nathaniel Coffin, a loyalist and ex-officer, himself a holder of five hundred acres, who received instructions from the surveyor-general in July 1792 to run the outlines of a township called Alton for John Craigie of Quebec.

The work was done under great difficulty, the surveyors having to travel through cedar, tamarac and spruce swamps. On one occasion so barren was the region that the party found difficulty in getting proper wood to make a raft to cross a river. The men were frequently in water and the provisions were often wet. Two of the party were disabled on the trip, one by cutting his foot with an ax and the other by running a knife into his hip; and still another had a severe attack of pleurisy. On one occasion some of the surveyors were lost in the woods, and on another they suffered through having their canoes broken by rocks. As winter advanced they carried their provisions on a toboggan.

These hardships, however, were trifling compared with those of the settlers themselves. Illustrations may be found in many records, but a typical one is given by Mrs C. M. Day in her *Pioneers of the Eastern Townships*. Isaac Lawrence, a Vermonter, came in with his family to Shefford, over forty miles from Phillipsburg, in 1794. In November they ran out of salt, and his eldest son, Henry, a young boy, had to travel the forty odd miles on foot through the pathless woods and carry back some fifty pounds on his back. That winter their oxen and a cow died of hunger, and, running out of provisions and seed, the father sent Henry for aid to friends in Vermont, where he bought four new axes, making with provisions, some silver money he had collected, and seeds, a pack of over forty pounds. Arriving again at Conroy's Mills (Freleighsburg), young Lawrence sharpened an ax, and later in the day came to the south branch of the Yamaska River, which was so high with the spring flood as to be impossible to pass without making a raft. 'It had been

very stormy though not very cold ; a damp snow had fallen, and he was hungry, weary and chilly, being too thinly clad for the season ; so that, when this new obstacle presented itself, he was, at first, almost staggered. But his course was soon determined upon, and he commenced his work of felling trees, clearing them of branches, and binding them together with withes. When this was done' he thought the water would be more passable in the morning, so he kindled a fire and slept. ' But the morning broke clear and intensely cold,' and he found to his utter dismay that ' ice two inches thick had formed for some distance from either bank.' Nevertheless he broke the nearer ice with his setting-pole and launched the raft and embarked with sack and ax. He relates :

> But a new and unthought-of difficulty now appeared, as on approaching the other bank I found it impossible to break the ice so as to effect a landing, for such was the strength and rapidity of the current, that both setting-pole and my utmost strength were in constant requisition to keep the raft from being carried down the stream ; so that after repeated and vain attempts to gain the shore, I found myself going down the deep, open channel without power to land on either side. When passing at the mercy of the current around a bend in the river, I found the water less deep and rapid than in any place I had seen ; and with this discovery came the instant resolution of abandoning the raft, and throwing myself into the water ; so, dropping the pole, with concentrated strength I threw the axe ashore, and, grasping the sack, leaped into the river, which at that point was nearly up to my chin. So strong was the current that a struggle was necessary to gain a footing ; but life and death were before me ; and, with a strength born of desperation, I seized the sack with both hands and commenced breaking the ice with it. In the emergency, the heavy contents were of good use ; . . . After leaving the water my first effort was to find the axe I had thrown ashore, and then to regain the road. I had gone but a short distance before my clothes were frozen stiff ; and being wet to the skin, it was apparent that life depended upon exertion, as I must walk ten miles before reaching human habitation. . . . After regaining the road, . . .

> I slipped, and fell in such a posture, as brought the corner of the axe in contact with my right knee, . . . and though the blood flowed profusely I had no means of staunching it, . . . so, seeing that my only chance of life depended on keeping in rapid motion, I pressed forward with my utmost strength, the blood continuing to ooze from the wound and freeze to my clothes. . . . In this miserable plight, I reached West Shefford about ten o'clock. It would be a fruitless task to attempt describing my feelings while in this danger. In all the exciting scenes incident to a backwoodsman's life, I had ever felt there was a great and watchful Father, whose eye was over His creatures.

This story is typical of innumerable incidents of the early backwoods life. In these later days we see how much the energy transmitted by those hardy pioneer settlers is contributing to the varied development of the Dominion, and may be permitted the hope that the tradition of self-help, determination and masterful resourcefulness will in some way be retained as part of the education of Canadian youth.

IV

THE IMMIGRANT PIONEERS

ALTHOUGH a small but growing stream of persons who were neither soldiers nor loyalists had been entering the province from the beginning of British rule, the principal movement of immigration did not take place until after the end of the Napoleonic wars in 1815. The Scottish nucleus in Montreal had attracted a number of that virile race to the city and island of Montreal, and soon after eighteen hundred others were beginning to settle among the hoary woods of the beautiful Chateauguay River and its tributaries in the seigniory of Beauharnois and the adjoining vacant townships. One inducement to them, in the tales which attracted them to Canada, was the report of the flourishing settlement established by the Highland loyalists and soldiers in the neighbouring portion of Upper Canada—Glengarry—

the present counties of Prescott, Stormont and Dundas, where the Gaelic language was long proudly preserved and is not yet extinct. The early immigrants had been driven from their ancient clan lands to seek new homes by heartless and avaricious landed proprietors such as the Earl of Breadalbane in Argyllshire about 1795, and the Duchess of Sutherland in Sutherlandshire somewhat later. Among others evicted by Breadalbane to increase his sheep pastures were the entire clan M^{c}Intyre—chief and all—from the territory that they had possessed from time immemorial at Loch O and Loch Awe in the forests of lofty Ben Cruachan.

Lowlanders came with the Highland pioneers and in a few years they, with a few Irish and English, formed on the Chateauguay the largest old country settlement in the province—one still characterized by the most thorough Scottish farming, and a centre for Clydesdale horses and Ayrshire cattle. All along the frontier, both in the Eastern Townships proper, beyond the Richelieu River peopled chiefly by New Englanders, and east of the Richelieu in the seigniory of Lacolle and the long border township of Hemmingford, and here, in the wedge-shaped country of the Chateauguay, formed by the St Lawrence and the frontier, a sprinkling of loyalists had preceded the rest of the population. Robert Sellar records that 'The first influx of permanent settlers was in 1800, when several families of U. E. Loyalists moved from Lacolle and neighborhood into Hemmingford. The first to go was a Scotchman, James Fisher. He was a native of Killin, Perthshire, and could speak Gaelic.'[1] But the first body of homesteaders to reach the heart of the district were non-loyalist Americans who came down along the Upper Chateauguay to the present neighbourhood of Ormstown about 1800. 'During winter they lumbered or made cordwood, so that every settler, when the ice broke up, had a raft of either square timber or cordwood to take to Montreal, and the rest of the year they spent in clearing and cultivating the land and making potash.'[2] The American population melted away during the War of 1812, but more Scotsmen

[1] Sellar, *History of Huntingdon, Chateaugay, and Beauharnois*, p. 19.
[2] *Ibid.*, p. 34.

came to take up the work that they had begun. In 1800 a Scot named Goudy came to Georgetown, but soon 'gave his place to his relative, William Ogilvie, who came from Scotland in 1802. Goudy was the forerunner of that body of Scotch emigrants who, within 30 years, were to possess the land between the St Louis river and the Beech Ridge.'[1] Two, Alexander Hassack and John Ralston, arrived in 1801.

'In 1802 the English river [the chief tributary of the Chateauguay] received its first settler, James Wright, . . . who left Scotland in 1801.'[2] Sellar describes him as a Cupar shoemaker, but this is not exact, and his history may cast some light on the movement of which he was one of the pioneers. When the clan McIntyre was so cruelly evicted by the Earl of Breadalbane, he was a lad in his teens, of the family of the chief of the clan. The members of the clan became widely dispersed, the chief himself emigrating to South Carolina; others came out to Glengarry. James concealed his family name by a sort of translation into the Saxon 'Wright,' the McIntyres being descendants of an ancient Macdonald warrior chief called for some legendary reason 'The Carpenter.' He married in Edinburgh a young woman named Christian Walker, whose mother was of a Huguenot silk-weaving family. The lot of the poor was hard at that time, and driven at length to support his wife and two infants by shoemaking, he determined to leave the miseries of the Old World behind him and strike into the forests of the New, of which he had heard something from his relatives, a brother of his being in Glengarry. He reached Montreal in 1801 and thence went to the English River, soon afterwards moving to the banks of the Chateauguay. He was a man of signal determination and resource, and so despised what he considered effeminate that he never rode where he could walk. When the War of 1812 broke out, and the battle of Chateauguay became imminent, he came forward as the first captain of the British Settlers Company of the neighbourhood, and his house was used as the advanced headquarters of the generals. The blockhouse around which the fighting took place in the famous battle was under his

[1] Sellar, p. 35. [2] *Ibid.*, p. 39.

charge. In later years he was senior major of the regiment, and served as such during the Rebellion of 1837-38. The stout spirit of these few earlier settlers during the war gives a touch of glory to their period, and their hardships and adventures have lived on in tradition.

It was some years after the war that the wave of immigration set in actively. The lower stretches of the Chateauguay are in the large seigniory of Beauharnois, the property since 1795 of Alexander Ellice, a London merchant, and his heirs, one of whom was the Edward Ellice whose name so frequently appears in the annals of Lower Canada. The settlers had therefore to obtain lots from, and pay dues to, the agent of the seigniory at Beauharnois. The land within the limits of the present county of Huntingdon was 'township land,' and there grants were more easy to obtain and no rents payable. The contests with the seigniory over its badly described limits, the building of roads, schools and churches, and many other details, are incidental, though of importance in local history. Perhaps the chief result was the settlement near the metropolis of Canada of families that have supplied it with many of its most capable merchants, manufacturers and professional men, and Canada with strong leaders of affairs. Sir John Rose, Sir William Hingston, the late Judge Cross, Sir Hugh Graham, Sir Charles Davidson and others, come readily to mind.

A smaller and more scattered group of English-speaking population was that of the River Ottawa. There early settlements were established on the Ontario side by a few loyalists like Lieutenant Simon Vankleek of Vankleek Hill. But soon afterwards the county of Argenteuil received settlers of various origins. Some were Scottish immigrants like the Dewars of Chatham, some loyalists like the Cushings of Lachute, while the founders of Lachute in 1796 were a group of Vermonters, and the same was true of St Andrews. Of the difficulties of the Dewars in reaching Canada we have some account.[1]

> In the month of July 1804, my grandfather, Peter Dewar, his wife and family, with 200 or 300 other

[1] C. Thomas, *History of Argenteuil and Prescott*, p. 287.

emigrants embarked at Greenock for Quebec. After leaving port the vessel was captured by a French Privateer, who being satisfied it was only an emigrant vessel, allowed them to proceed. The lieutenant in charge of the boarding party was a Highlander who generously took pity on his countrymen. Soon another vessel was sighted, and when the captain saw the Union Jack flying at the peak, he cursed his unlucky stars, as a British Man-of-War was more to be dreaded than a French, on account of that abominable system, the press gang, which was then in full swing.

However as soon as they came within speaking distance, they demanded of the captain whether he had seen a strange vessel. Having received the desired information, they were soon out of sight.

On the arrival of the emigrants at Quebec, they learned that the Privateer had been captured, and great sorrow was felt for the fate of the lieutenant M°Donald.

On leaving the vessel the passengers separated. The two families of Dewar, with six or seven other families of the name of Cameron, were in due time landed at St Andrews—whence the Camerons went to the Township of Chatham and settled on farms there.

'A remarkable feature of the Scotch settlers of the county,' says Colin Dewar,[1] 'was the distinct separation of the two races: the *Highlanders* settling on the banks of the Ottawa River and around St Andrews, while the *Lowlanders* settled at and around Lachute.'

Further up the river the famous settlement of Philemon Wright at Hull forms part of this section:

The Squire had made several explorations of the St Lawrence on both sides and above and below Montreal, but pitched on Hull and the Chaudière Falls at last, as the field of his future operations, delighted equally with its forests, its soil, and its river. It was not easy to induce men, even for a large reward, to enter his employ, and settle down to labour in the woods 75 or 100 miles from civilization of any kind. In October 1799 Mr Wright is said to have reached Hull with two trusty neighbours, from Woburn, Mass., and having

[1] Thomas, *op. cit.*, p. 63.

> explored the Township, returned and reported progress. Four families united with his own and with twenty-five men, seven span of horses, four yoke of oxen, and probably a cow or two, sleighs, implements and provisions, began their journey to Montreal, on the 2nd of Feb. 1800, and reached the Chaudière Falls on the 7th March—33 days. It is said that every man took a hand chopping down the first tree. Thus the clearing away of the woods commenced and continued. The sounds of the axes and the falling trees brought the Indians from their sugar-making on the sunny slopes of the hill sides, to wonder and ask themselves what brought these destroyers of the forest into their hitherto quiet and silent retreats ? This led to a long pow-wow.

One of the most characteristic stories of the vicissitudes of forest life in early days is that of George Hamilton of the extensive mills at Hawkesbury, a North of Ireland merchant, whose operations belonged more to Lower than to Upper Canada. Hamilton was then one of the most extensive lumber merchants in the world and his mills worked nearly forty saws. His establishment formed quite a village and his outlay was about £10,000 a month. He had two brothers as partners—one connected with a bank in Liverpool which backed the enterprise and held a large mortgage on the mills, the other at Quebec to ship the timber. He himself lived close to the mills with his wife and family, and business was going successfully, when suddenly in spring came letters bearing the mournful intelligence of the death of the brother in Liverpool. Soon afterwards a letter from the bank arrived saying that the mortgage must be paid. This was a ruinous blow. 'While the messenger was yet speaking' another arrived to tell him that his other brother also was dead. Yet both had been young, strong and healthy. Still Hamilton bore up. His mill-pond was full of saw-logs safely garnered, and to these he looked to save his credit. But the river rose to an unprecedented height and swept them all downstream. A few nights after this disaster his house was burned down with everything in it, and there being no insurance he was left 'a homeless bankrupt and beggar.' But his cup of misery was not yet full. He

was compelled to go to town, and arranged to take his wife and little family of three. Procuring a large canoe, paddled by two French Canadians, they started down the Ottawa, then full of dangerous rapids. At one of these one of the canoe-men became frightened, the canoe was overturned in an instant, 'the three helpless little ones were overwhelmed in a watery grave, not however before the distressed father, who was an excellent swimmer, had made the most extraordinary exertions to save the youngest. The two oldest, with their mother, he lost sight of the moment the canoe upset and gave them up for lost, but the youngest, a child of about eighteen months old, he caught hold of, when a strong wave broke over him, wrenched the child from his grasp and bore it some distance away from him. He again struck out to save his boy and again succeeded in laying hold of him. By this time he had been carried into the most violent part of the rapid torrent, down which, in a state bordering on insensibility, he was hurried with fearful velocity. On reaching the comparatively smooth water at the foot of the rapid he soon recovered his senses, but found to his dismay that he had lost his child again—hopelessly lost it now. On looking round he could see nothing but the canoe. It had floated down along with him, bottom upwards with the two boatmen clinging to it. He was now nearly exhausted, but on perceiving the canoe he roused his sinking energies for one effort more and succeeded in reaching it: he was soon afterwards safely landed, the sole survivor, as he supposed, of his little family. When they reached the shore the first thought of the men was naturally to right the canoe. On turning it up, there, to his astonishment and joy, was his poor wife underneath it, in a state of insensibility. She was soon restored to a consciousness of the dreadful loss she had sustained.'[1] The sorrow and distress of poor Hamilton were deeply shared by the whole community. Fortunately his energy and credit enabled his wealth to be re-established, and even a fine family of children were his in after years.

The stream of immigration from the United Kingdom

[1] *Philip Musgrave*, by Rev. Jos. Abbott.

now grew apace. In the St Francis valley the British-American Land Company took a part in advancing it, purchasing from the government and individuals over 700,000 acres at a cost of £200,000. A sum of £60,000 was returned to the company to be expended in improvements; and this it spent on the road to the now flourishing city of Sherbrooke and in preparing improved farms for incomers.

A not inconsiderable number of the population were Irish. Wolfe, Carleton, Sir John Johnson, M^cCord, Fitzgibbon, and other members of their stock, had already written their title to the land in letters of light. They first appeared in numbers in 1834, when the first potato blight brought famine and disease to their own country, and compelled that wholesale emigration which was to reduce its denizens from over eight down to four millions. The gaunt and ragged fugitives, landing at Quebec from fever-stricken vessels, pressed in thousands along the highway towards Montreal and awoke an astonishment and an uneasiness among the rustic habitants. Their strength was at once put to great use in works of construction and in the lumber camps, and they soon formed a large and distinct part of the people of Quebec and Montreal cities, while small groups took up farms in various townships.

Taken together the whole British population of the province had reached in 1831 a figure of over 180,000 out of a total of 553,134,[1] the Irish Catholics representing over 40,000, there being besides a large number of Irish Protestants. In 1831, 17,500 immigrants arrived in Lower Canada. The year 1847 was one of large immigration from the United Kingdom, owing to the great famine in both Ireland and Scotland and distress in England; 133 ships containing immigrants arrived from England, 224 from Ireland, 36 from Scotland and Germany. Of 98,000 passengers 8648 died at sea.[2]

It was inevitable that the privileged interests, which were naturally profiting by that part of the Constitutional Act of 1791 that was perpetuating in Quebec the seigneurial

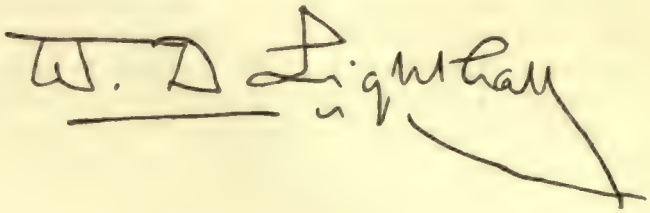
[1] William Kingsford, *History of Canada*, ix. p. 491 note.

[2] R. Montgomery Martin, *British Colonies*, i. p. 109.

and ecclesiastical evils of the old French régime, should view with jealousy the growth in the townships of so large a free English-speaking population, with education and British institutions. In face of these it was not easy to keep the French masses illiterate, submissive, and a source of power to their masters. Most of the latter believed sincerely that such submissiveness and illiteracy were the best possible of conditions, and that every effort should therefore be made to keep the French race apart and to preserve the province for them alone. The illiteracy thus fostered—so complete that many members of the assembly itself could neither read nor write—was the source of infinite drawbacks to the French Canadian. At the same time that it prevented him from emulating the progress of his English fellow-citizen, for which—being of the same general race—he had every necessary talent, it prevented that reciprocal sympathy which is the best preventive of misunderstandings. A class of demagogues now also rose—some fanatically revolutionary and most of them seeking personal advantage—who tried to profit by raising an artificial race-hatred. They succeeded in denying representation of any kind in the assembly to the Eastern Townships, and it was only in 1829, by interference of the imperial authority, that members—two each for Missisquoi, Sherbrooke and Stanstead, and one each for Shefford and Drummond—obtained seats. With the spread of education such rancorous feelings fortunately die away, for the trade of the small politician cannot stand light: and as education becomes universal in Canada there grows universal harmony. But meanwhile the agitation was to take the shape of an ineffective rebellion, directed ostensibly at some small official abuses, but in great part at the English race.

In such matters blame cannot easily be placed upon the ignorant and misled, or upon conscientious individuals. The catastrophe was largely an outcome of the fatuous error of Murray and Carleton when they encouraged separation between the two peoples, with class rule, in place of fusion on a basis of democratic liberty, education and progress. When that fusion increases, as it assuredly will, its benefi-

cent results may well form one of the most brilliant chapters in the story of both races in the grand and fascinating mother province. Then not the least of the achievements of the Quebec Anglo-Celt will have been his share in imparting the political principles he has himself inherited to the ancient kindred race.



QUEBEC UNDER CONFEDERATION

1867-1913

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Preliminary Observations

THE union of the British North American provinces, inaugurated on July 1, 1867, was favourably received throughout Quebec. But few people looked upon Confederation with distrust; it was in fact generally considered as the dawn of a new era that should put an end to all racial and religious troubles and thus leave the public energy untrammelled in the field of progress.

Confederation was the fourth form of government granted to Quebec since 1763 and was a marked improvement on previous régimes. In 1764 a very crude civil government, with full powers concentrated in an official sent from Downing Street, reigned supreme over the new and old subjects of George III. This was superseded in 1774 (through the Quebec Act) by a legislative council composed of men well known to be ready to comply with instructions issued from London. The people seemed to have a voice in that body, but a voice of little force. Still a certain number of councillors could, to a limited extent, suggest reforms needed for the welfare of the province.

In 1791 an important step towards popular government was made; the constitution granted that year, with its two chambers, marked a great advance in colonial institutions. It must not be forgotten that in those days oversea possessions were not supposed to be prepared to practise constitutional government as it was then understood in Britain, and even in the mother country the crown retained an influence that is considered obsolete to-day.

At the same time it was thought in London that colonials were not sufficiently advanced for responsible government as it existed in Great Britain. Even in 1841 Lord John Russell wrote to Sydenham that the real power should be retained in the hands of the governor.

To an impartial mind it seems clear that the constitution of 1791 could have been worked with advantage to all had it not been for the stupid obstinacy of the governor, who would not relax the reins of power in favour of the legislative assembly. The appearance of liberty was granted to the people, but the government was in reality kept in the hands of Downing Street potentates, who gave to Lower Canada an empty glass to quench its thirst. This machinery broke down in 1837 owing to the troubles of that time. It seemed at first sight, to Lord Durham, who visited Canada to inquire into the cause of the troubles, that they arose in Lower Canada from racial antipathies. He must, however, on further consideration, have become persuaded that the power was not adequately balanced between the executive and the legislative assembly.

Had not Upper Canada and Nova Scotia, with homogeneous populations, gone through the same crises as Lower Canada? Was not Joseph Howe, in his struggle with Lieutenant-Governor Campbell, playing a part similar in many respects to that of Papineau? Of course national prejudices intensified the trouble in Lower Canada, but the initial causes of popular discontent arose in a like manner in Nova Scotia, in Upper Canada and in Lower Canada.

Ministerial responsibility, introduced into United Canada with the Act of Union of 1841, supplied the missing spring in the colonial government, and it answered its purpose when left to work without restraint. But the new institution was looked upon with distrust by Lower Canada, not without reason. Had not Lord Durham said that the union of Lower and Upper Canada would swamp French influence and restore order?

But, be it said to their glory, a few high-minded and far-seeing men like Baldwin and La Fontaine successfully



SIR LOUIS H. LA FONTAINE

From a painting in the Château de Ramezay

warded off the deadly weapon prepared by Lord Durham. When responsible government was finally placed on a firm basis, Canada enjoyed for twenty years the privilege of a regular government; progress was remarkable throughout both provinces and new channels were opened to trade, especially when in 1847 the free navigation of the St Lawrence was given to Canada.

Before the Union of 1841 questions of religion and nationality had been introduced into politics, with all their dangerous consequences, and monopolized public attention to a considerable extent. By a masterly stroke of statesmanship, La Fontaine and Baldwin diverted popular activity into less troubled channels and brought it to bear on subjects connected with the advancement of the country. Loath to see the French in antagonism to the English, they divided politics on ordinary party lines. The evil of former years reappeared when George Brown claimed that popular representation in parliament should be established on the basis of population. This troublesome politician had not initiated the movement, for in 1849, when Lower Canada had a larger population than the sister province, Papineau had proposed that representation should be in proportion to the number of inhabitants. This proposal had been strongly resisted by La Fontaine, who then expounded his views on the constitution of 1841. To this great mind the union was a sort of confederation between Lower and Upper Canada. When the text of the act became public (1840) a strong protest was issued against it by some of the leading men in Quebec headed by Morin and Neilson. One of the reasons advanced against putting it in force was that it gave an equal number of members to each province in the assembly, although the population of Lower Canada then stood far in excess of that of Upper Canada. This outburst of feeling was ignored by both England and Upper Canada, and La Fontaine inferred from their silence that they had concluded that each province should have equal representation. When later on George Brown and his followers took the stand that representation by population should be adopted, Quebec rose in all her energy and proclaimed in no uncertain terms that she would never

consent to a measure that would inevitably give the control of affairs to Upper Canada.

This dreaded domination of Upper over Lower Canada greatly helped Georges É. (afterwards Sir Georges) Cartier, then leader of the French-Canadian conservatives, in his efforts to get his countrymen into line in favour of Confederation. He had had to contend in Quebec against a strong opposition, directed by such men as Dorion, Doutre, Fournier and Letellier, noted for their courage, skill in debate and political insight. When the new constitution was set in motion, experience soon showed that it gave French Canadians more security and more protection, for the preservation of their particular institutions, than any former instrument of government. Their national inheritance was to be held secure in a citadel as impregnable as could be made by the hand of man.

Cartier, who, as far as Quebec was concerned, deserved to be styled the Father of the Constitution, undertook to expound, during the first session of parliament, the spirit underlying the British North America Act. Comparing the British and American constitutions, he endeavoured to demonstrate how different was the origin of power in each. In the latter it came from the people themselves, in the first from the crown, the source of all honours, dignity and power. Trying to illustrate his comparison, he quoted the American motto, *Ex pluribus unum*, to show that according to several statesmen, including Washington, Hamilton and Jefferson, the States had delegated a portion of their sovereign rights to a particular body called Congress to constitute a central power. This body therefore derived its life from lesser communities, who consented to part with some of their strength and influence in its favour. Thus the American executive and Congress owed their existence to the people. In England political life emanated from the crown and descended as a privilege to the people, who were represented by parliament. Reversing the American motto—*Ex uno plures*—Cartier proceeded to show that life was given through Westminster to the different colonial governments, which all derived their

strength from one common source—the crown. This exaggerated demonstration dwindles into pure fiction when we come to examine it. It is evident that both at Ottawa and at Washington the popular will dictates and governs. Cartier's view remains true only in a constructive sense, in connection with the granting by the crown of the several Canadian charters in 1867.

During the debates on the constitution Cartier caused special clauses to be inserted guarding the rights of his native province, and his work in this respect was generally admired and commended by French Canadians. He was, however, blamed by several critics for burdening Quebec with a legislative council, though, while Ontario thought fit to suppress that piece of machinery in her constitution, Nova Scotia followed Quebec's example. His course was inspired by his ultra-conservatism and his unbounded admiration for the English constitution, which he placed far above any other existing form of government. He considered that it was perfection itself as far as perfection can be reached in political institutions. Hence his steadfast determination to endow Quebec with a copy of the English constitution, representing the original model as nearly as circumstances would permit. It was his object also, in giving an upper house to Quebec, to afford a sort of protection to the English minority against possible encroachment on their rights at the hands of the majority. This protection appears scarcely necessary, considering that the central power at Ottawa mounts guard against any attempt by the provinces to do injustice to minorities.

The Chauveau Administration, 1867-73

Narcisse (afterwards Sir Narcisse) Belleau, premier of Canada just before Confederation, was appointed lieutenant-governor of Quebec on July 1, 1867 A few days later he entrusted Joseph Cauchon with the duty of forming the first provincial administration.

With almost encyclopædic learning Cauchon stood in

the first rank of prominent Canadian statesmen. He moulded public opinion in the district of Quebec as Cartier did in Montreal. Under his direction *Le Journal de Québec* had become the most influential periodical among educated French Canadians. He had been twice a member of the cabinet in the Taché and Cartier administrations. His long experience in parliament from 1844 to 1867 had given him a masterly grasp of Canadian politics. It was due in some measure to his well-balanced pamphlet on the proposed union of the provinces that Confederation was accepted by the clergy, whose confidence he had won.

Cauchon's merit and great ability being universally recognized, much surprise was manifested when he failed to form a cabinet. At one time his success seemed assured. He had selected all his colleagues but one—the provincial treasurer. This post was offered to Christopher Dunkin, who refused to accept it, for the reason that two years before Cauchon had, in his place in parliament, opposed a bill introduced by Hector L. (afterwards Sir Hector) Langevin to secure for the Protestants of Quebec, in view of approaching Confederation, complete control of their schools. As a representative of his fellow-religionists, Dunkin could not consent to give his co-operation to a man who had shown a lack of the sense of justice towards an important part of the community, unless he pledged himself to give Protestants the guarantee asked for by Langevin. To an ultimatum of this nature Cauchon replied that he had opposed the bill because it implied an insult to his countrymen, who, in all their dealings with the Protestants, had treated them with the utmost liberality, and that he would not subscribe to terms that gave him the appearance of granting under compulsion what he felt in honour bound to grant of his own free will. Dunkin's attitude blocked the way to all other English politicians who might have been disposed to accept a portfolio at the hands of Cauchon. In this predicament Cauchon gave up the task of forming an administration. Pierre J. Chauveau was requested to take his place. He consented, and after a few days all the gentlemen who had been offered portfolios by Cauchon were called into the cabinet. Dunkin,



SIR ANTOINE AIMÉ DORION

From a photograph

who had no objection to serve under the new premier, took charge of the provincial exchequer.

As an orator and writer Chauveau had few equals among his countrymen. Politics had early attracted him and he entered parliament in 1844. After a few years his ambition seemed to turn in another direction, and he took charge of the public school system in Quebec, a task more congenial to his temperament. In 1854 he was called upon to speak at the unveiling of a monument erected to the memory of the soldiers—French and English—who had fallen on the Plains of Abraham in 1759 and 1760. His speech on that momentous occasion is still considered as one of the most eloquent efforts of French-Canadian oratory. It was his prestige as a writer, educationist and orator that mainly led to his appointment as premier of the province. But he was not a born leader of men and he did not achieve as much success in parliament as in literature. Still the Province of Quebec, under his direction, was governed with wisdom. It so happened that after Confederation there was a lull in politics, and Chauveau was well able to steer the ship of state in a calm sea. His past career and fresh experience naturally marked him out for the department of Education, of which he now took charge. Under his control but few changes were introduced in the existing public school system, which was to be altered, however, a few years later. Laws were passed during the first session (1867-68) to put the provincial machinery in motion, and several new departments—Public Works, Crown Lands, Agriculture, Public Instruction and Colonization—were formed.

When Cartier, representing his countrymen's views, had expressed his strong opposition to a legislative union, his object was, as has been said, to form of Quebec a special province with distinct features, quite different from the other provinces of Confederation. Accordingly the French laws and education were under his direction safeguarded and placed beyond any outside control. The reasonable ambition of the French population was soon realized. Civil liberties were enlarged and exceeded those enjoyed in Lower Canada before 1867. From a certain point of view Quebec was a

state within a state, but this without disturbing in any way the smooth working of political life; henceforth she and her sister provinces moved untrammelled towards a common destiny.

The provincial revenue did not allow a very wide field for expenditure. It was derived in part from the crown lands and hotel licences, but chiefly from the Dominion subsidy. Under the constitution power to levy indirect taxes belonged to Ottawa, and accordingly all custom duties went into the federal exchequer. Inland revenue taxes were also within the domain of the central power. To Quebec and the other provinces was allowed the power to impose direct taxes, to which the inhabitants of Lower Canada were strongly opposed. Dunkin had to be satisfied with a revenue amounting, from every source, to $1,535,536, with the following principal items:

Dominion subsidy . .	$915,309
Lands and Forests . .	377,769

Out of this revenue education absorbed $275,605, administration of justice $300,000, legislation and civil government $213,000, crown lands, public works, agriculture and colonization $226,678, making, with several minor items, a total expenditure of $1,183,238.

The Law department was entrusted to Gédéon Ouimet, a lawyer of good standing. It was fortunate for him that a year before Confederation all the civil laws of Lower Canada derived from the *Coutumes de Paris*, and in force since the early settlement of New France, had been codified on the lines of *Le Code Napoléon*. The Quebec Civil Code, as a matter of course, excluded from its contents those parts of its prototype that had been changed in France by the Revolution and Napoleon, especially clauses relating to marriage and settlement of inheritances.

By a strange anomaly, while the constitution gave the central government power to appoint provincial judges, it entrusted the duty of organizing courts of justice to the local autonomies. The parties most interested in the matter did not protest against this concurrent power over judicial

appointment and courts, and as the judges were remunerated out of federal moneys, no complaints were made on this score. The Court of King's Bench, composed of five judges, is the leading court in the Province of Quebec; appeals from decisions of inferior courts can be made to that tribunal. Next in order come the superior courts; these have jurisdiction in the cities and in the judicial districts. They are competent to hear both civil and criminal cases. Judges of inferior jurisdiction, police magistrates and justices of the peace appointed by the provincial government complete the system.

The vacant lands of the province had been given by the act of 1867 to Quebec. A member of the government holding the title of commissioner of Crown Lands was entrusted with their administration. It behoved the government to exercise great care in disposing of this vast domain, as apart from the Dominion subsidies it was the principal source of revenue. Accordingly the policy of Chauveau and his colleagues was to open the vacant lands to colonization and to lumbering industries. It was of the utmost importance at that period to promote colonization, as large numbers of French Canadians were leaving Quebec and drifting away to American manufacturing centres. To counteract and restrict this emigration, crown lands were sold at a very low rate—twenty-five cents per acre—with easy terms of payment extending from one to five years. The colonization fields covered eight distinct regions: Saguenay or Lake St John, Berthier, St Jerome, Ottawa, Timiskaming, Temiscouata, Metapedia and Gaspe. Most of these lands were covered with forests; this constituted a great boon for the settlers, who could sell the wood at good prices. Regulations were enacted to dispose of timber berths, which were offered for rental at public auction, the lease to cover a certain number of years. A fixed ground rental was also a condition of the lease. As the public exchequer was unable to make cash payments to new railway enterprises, it was resolved to help them by grants of land.

For many years before Confederation large numbers of French Canadians, attracted to the New England States by

prospects of earning more money than in Canada, had been crossing the frontier and making the neighbouring republic their home. This was universally deplored, but all the efforts made by the government to stem the exodus proved fruitless. It was generally felt that such emigration was a national calamity that every effort should be made to stop. Chauveau and his colleagues were taken to task for being either unable to terminate the evil or indifferent to the seriousness of its existence.

As a matter of fact Chauveau had used every means in his power to induce the young men to remain in Canada. The crown lands were made more accessible to them ; it was also argued that manufacturers should be encouraged, but this could only be done by levying custom duties on foreign manufactured articles, and the power to protect domestic industry belonged to Ottawa. Unfortunately, agriculture, with the obligation of clearing land in wooded regions, had become less attractive to the new generation than labour in the American cotton mills.

Though party feeling inspired much of the bitter criticism launched against the government regarding this exodus of French Canadians, this movement was in many cases due to the fact that the economic conditions of Canada had not been sufficiently studied when the provincial administration had to bear the brunt of very frequent attacks on account of this deplorable emigration. It is possible also that the blows ostensibly directed against the Quebec government were intended for some Ottawa ministers sitting in the provincial house.

In 1871 a young member of parliament, now a celebrated statesman (Wilfrid Laurier), made his maiden speech in the legislative assembly on this subject and indulged in a rather violent attack on Chauveau and his friends, concluding his philippic with these words of the dying gladiators to the emperor, *Ave, Caesar, morituri te salutant*, which he placed in the mouth of the Canadian emigrants, whom he thus likened to the victims in the Roman arena.

The promotion of colonization demanded, as a first condition, road-building from centres of population to the vacant



LUTHER H. HOLTON

From a photograph

lands. With this object in view a roadway was opened from Quebec to Lake St John for use in winter. But this entailed a long and tedious journey through an unsettled country with no wayside accommodation, and was of no practical value.

The government's resources were at that time too limited to permit it even to consider the question of building railways. It was felt that the burden of opening communication by rail might prove too heavy, and private enterprise would not risk capital in undertakings of this kind. When affairs were in this condition there came to Quebec an American engineer who claimed that what was required could be supplied at small cost if a scheme of his were adopted; his plan was, in brief, the substitution of wooden rails for steel ones.

A company—the Gosford Railway Company—was organized to test the new device, and a section of the proposed line from Quebec to Lake St John was inaugurated in October 1869. The trial was at first proclaimed a success, but during the ensuing winter and spring the roadway went to pieces. Yet in the end this failure brought forth some good results, as it compelled the company, in order to save the money already expended, to substitute steel rails for the wooden ones.

By the Act of Union the natural life of a parliament was limited to four years; in July 1871, therefore, writs were issued for a general election. The government was sustained at the polls and Chauveau seemed to be installed in power for another term. To the general surprise and for unaccountable reasons he resigned in 1873 to accept the presidency of the Senate, a position which he retained until January 1874.

The Ouimet Administration, 1873-74

Gédéon Ouimet took the helm in Quebec after Chauveau's resignation. No change occurred in the composition of the cabinet save that Adolphe (afterwards Sir Adolphe) Chapleau,

a very brilliant young lawyer, filled the vacancy caused by Chauveau's transfer to another field of politics,[1] and being a powerful speaker, with much popular influence, proved a valuable addition to the ministry. Having been a leading member of the preceding administration, Ouimet pursued the policy initiated by Chauveau.

A very important change took place under his régime in the electoral law of the province. From 1867 to 1874 there existed in Quebec a system of dual representation, as several members of the Quebec Assembly also held seats in the House of Commons. There was nothing in the statutes to prevent this state of affairs, which appeared abnormal to certain politicians. It was contended that the presence of members of the federal cabinet in the house of assembly exercised an undue influence. Could Chauveau be free to conduct public business as he thought best with Cartier and Langevin at his elbow? He was their nominee, and therefore bound to follow their dictation.

There seemed to be some ground for this argument, but it was asserted, on the other side, that the house should be happy to have, in the first stage of its existence, the example and advice of such experienced politicians as Cartier and Langevin. The interference of these men in provincial politics could not be proved, and the provincial cabinet framed its policy solely according to the requirements of the province. Without committing himself to any future action, Chauveau had taken the ground that this question of representation should be decided by the people, whose interests were chiefly at stake in the matter.

Under Ouimet this question of dual representation was again brought to the front and finally settled, a large majority comprising both liberal and conservative members voting against the system. Félix Gabriel Marchand, a future premier, was the first who had waged war on the double mandate. There can be no doubt that the pre-

[1] The other members of the cabinet were as follows: George Irvine, attorney-general; J. G. Robertson, provincial treasurer; P. Fortin, Crown Lands; L. Archambault, Agriculture and Public Works; J. J. Ross, speaker of the legislative council.

sence of some of the ablest Ottawa politicians in the provincial parliament, though in some ways inconvenient, raised the standard of the lower house.[1] The present writer, who followed the first six sessions of the Quebec assembly, was a witness of the dignity and high tone with which the debates were then carried on, a feature that has vanished to a considerable extent in later years. The parliament certainly lost some of its prestige when men like Cartier, Holton, Langevin and Fournier disappeared from the house.

Ouimet seemed to have a smooth path before him, with bright prospects for the general election in 1875, when suddenly he had to resign. He fell a victim to what was called 'the Land-swap scandal.' One of his colleagues, L. Archambault, commissioner of Public Works, had exchanged a parcel of land located at the Tanneries, near Montreal, for a farm supposed to be of far less value, situated at some distance from the city. It was argued on behalf of the government that the Tanneries lots had been set aside for the Montreal Protestant Hospital, and that the Leduc farm —the one given in exchange—which was much larger, would also be transferred to the same institution, and would be better adapted for hospital purposes. According to this view of the matter the government lost nothing by the exchange.

Public opinion was undecided as to the propriety of the transaction, when it was reported that a journalist, friendly to the minister of Public Works, had discounted at one of the city banks a note for $50,000 endorsed by the man who had received the Tanneries lots. This created so strong an impression of maladministration that nearly all Ouimet's colleagues felt it incumbent on them to retire from the cabinet.[2]

[1] At the same time (1875) voting by ballot was authorized by the electoral law.

[2] A committee of the house investigated the matter, and in its conclusion condemned the transaction, being under the impression that the sum just mentioned was a gift from Middlemiss, who had received the Tanneries lots, to the newspaper editor, Dansereau. It came to light later on that a local bank had supplied the funds to Dansereau on a note simply endorsed by Middlemiss, whose responsibility in the matter ended there.

The de Boucherville Administration, 1874-78

Lieutenant-Governor Caron called upon Charles de Boucherville, a conservative, to replace Ouimet.

This leader's unquestionable honesty and long experience soon restored confidence in the government. He called into the cabinet men untried in politics: Auguste Réal Angers, a lawyer of well-known ability, was asked to lead the house—de Boucherville remaining in the legislative council; L. R. Church became attorney-general, Joseph Gibb Robertson treasurer, and M. Mailhot solicitor-general. In 1876 Adolphe Chapleau joined de Boucherville and his colleagues. Two important measures marked de Boucherville's management of public affairs—the construction of a railway from Quebec to Montreal and thence to Ottawa, and a radical change in the control of education.

At Confederation Chauveau had become minister of Education, and his responsibility as such gave to parliament the control of provincial schools. This office was now removed from the cabinet and the direction of education was transferred to the hands of a body known as the Council of Public Instruction.

For years it had been an object of great concern to establish railway communication north of the St Lawrence between Quebec and Montreal and thence to Ottawa. Even before Confederation the importance of this line was forced upon the government. In 1859 a land grant of 1,500,000 acres had been offered to any company willing to undertake this work, so necessary to the advancement of a large part of the province. Was not the region between Quebec and Montreal made up of the earliest settlements of the country? Would it not be one of the most prosperous if new life were given to it through easy communication with the city markets? In 1868 Cauchon, then a member of the legislative assembly, had tried to revive the old scheme. After many efforts two companies were organized, one—the North Shore—to build the Montreal and Quebec section, and a second—the Montreal Northern Colonization Railway—to build the

Montreal and Ottawa section with a branch to St Jérome. Both companies began their work, but after many efforts found themselves unable to raise money in England to complete their enterprise.

In 1874 de Boucherville and his colleagues decided that the province should complete this undertaking. A loan of $3,000,000—the first contracted by Quebec—was placed on the English market and brought part of the funds required for this great enterprise. The road was nearly completed when a sudden, unexpected crisis ousted de Boucherville from power. On March 28, 1878, Lieutenant-Governor Letellier dismissed him from office.

Letellier's act—or *coup d'état*, as it was called—startled the country. It took place when the session was drawing near to a close, prorogation being apparently but a few days off. Supplies, having been voted in the house, stood for their third reading in the legislative council and would have passed their final stage had not de Boucherville suddenly suspected, from conversations with Letellier, that a storm was brewing.

Letellier and de Boucherville were men of extreme and opposite political views. The former had been prominent for years as a bitter opponent of tory policy. De Boucherville was looked upon as an ultra-conservative, strongly supported by the Church. As intercourse between the lieutenant-governor and his ministers must be on the lines of well-defined rules, it was expected by de Boucherville that by following them closely all causes of friction would be avoided. To his utmost surprise he was handed a note from Lieutenant-Governor Letellier on February 25 in which he was reprimanded for having asked supplies and taxes without authority for this purpose from the lieutenant-governor, also for having presented certain bills without his assent, and having issued a proclamation ordering Thanksgiving prayers in the same manner, and for having shown a general disregard for the prerogatives of his superior officer.

In his reply de Boucherville stated that he had always acted in good faith and without the slightest intention of invading the lieutenant-governor's rights. As to the charge

that supplies had been asked for without authority, he reminded Lieutenant-Governor Letellier that on January 28 he had sent him the following message during his visit to Rivière Ouelle: 'Can you send me resolutions respecting supplies?' and that Letellier had telegraphed back: 'Blank mailed to-day.' As to the taxes to which Letellier's attention had not been called, the premier explained that they had been mentioned in the budget speech, a copy of which had been sent to His Honour, as also copies of all the votes and proceedings. These matters had been before parliament for many days, and still Letellier had never seen fit to complain about their introduction in the house.

In his rejoinder Letellier, after stating that he had never doubted or questioned his first minister's good faith, reiterated his first charges and concluded by declaring that after such invasions of his privileges and prerogatives he could not retain M. de Boucherville in power.

The last sentence of Letellier's rejoinder caused some fencing between him and de Boucherville. It is evident from the wording of Letellier's letter that he was loath to take the responsibility of a direct dismissal and that he preferred to force his chief adviser to hand in his resignation. On the other hand de Boucherville aimed at compelling his opponent to unmask his batteries. With this in view he called on the governor and said that 'according to the memorandum received from him that day, he understood he was dismissed from the office of premier.' To this query Letellier replied 'that he should take his own interpretation from the letter.' Then de Boucherville handed in his resignation.

This Letellier *coup d'état* opened hostilities between conservatives and liberals that spread over two years, during which political passion ran high. It was argued by conservative leaders that Letellier's course had been inspired solely by partisanship with the object of securing power and influence to help the liberals at the approaching federal elections. If any trespass had been committed on the privileges of the lieutenant-governor, as Letellier once argued, it had been condoned, it was held, by one of his letters, which was to this effect:

> The Lieutenant-Governor, taking into consideration the communication made to him verbally (on the 27th February) by the Premier, and also taking into consideration the letter which the Premier then gave to him, is prepared to admit that there had been no intention on the part of the Premier to slight the prerogative of the Crown, and that there was only on his part an error committed in good faith in the interpretation that he gave to words used by the Lieutenant-Governor in the interview which they had on the 19th of February instant; words which did not imply the authorization attributed to them by the Premier.

After this absolution Letellier reverts to the same charge in the following terms:

> But the Premier must not lose sight of the fact that although he had not so intended, the fact remains as he was told by the Lieutenant-Governor.
>
> The fact of having submitted several new and important measures to the Legislature, without having previously, in any manner, consulted the Lieutenant-Governor, although without any intention of slighting his prerogatives, gives rise to one of those false positions which place the representative of the Crown in a difficult and critical situation with reference to both Houses of the Legislature.
>
> The Lieutenant-Governor cannot admit that the responsibility of this state of things rests upon him.

Among the arguments used against Letellier's high-handed proceeding was the following: in England, although the right to dismiss his ministers is vested in the sovereign, he would not dare avail himself of that power. In his message to Lord Lorne the colonial secretary laid it down that if a lieutenant-governor had the power to dispense with the services of his ministers, he in turn could be removed from office if his conduct could not be justified.

Why then, if the good faith of de Boucherville and of his ministers were not questioned, did the lieutenant-governor take this summary procedure? Could not this slight—if slight it was—have been overlooked, especially in view of

all the troubles and expense that another course would entail ?

It was pointed out that during the Pacific Scandal (1873), when Lord Dufferin was taken to task for having retained his advisers, then under the cloud of a serious charge, his lordship had answered ' that Parliament was his only guide and that as long as they retained the confidence of both Houses, he was bound to receive their advice.' The action of Letellier in dismissing his ministers, when the government had a majority of twenty-three in a house of sixty-five members, smacked more of Russian absolutism than of modern British practice.

It is evident from what came to light at the time that Letellier's *coup d'état* had not been executed as planned. He had waited to the very end of the session to strike the blow, in order to get supplies which would have enabled de Boucherville's successor to carry on the business of Quebec for a while without going at once to the country. It was his impression that the supply bill had been voted in the upper house, which would have been the case if de Boucherville, seeing the storm coming, had not stopped the passage of the bill before its final stage.

The Joly Administration, 1878-79

Henri Joly consented to form the new cabinet under rather embarrassing circumstances. Both houses protested strongly against Letellier's arbitrary proceedings, stating in a resolution that ' the dismissal from office of de Boucherville having taken place, without reasons, constitutes an imminent danger to the existence of responsible government in this province, is an abuse of power in contempt of the majority of the House, and is a violation of the liberty and will of the people.'

This protest was not unexpected and did not greatly impress Joly, but he had no supplies at his disposal and was compelled to dissolve parliament. The electoral campaign ran fiercely and the parties returned about an equal number of members. At the meeting of the house, on a

motion to elect a speaker the government carried it by only one vote, the candidate for this post—a former conservative —voting for himself.

On a motion of want of confidence moved by Chapleau, the government found itself in a minority of one. It appeared from these preliminary engagements that the ministry was not born to live long. The fact of the matter was that during its short career (from March 8, 1878, to October 30, 1879) for fear of a defeat it had to be content merely to mark time. Still Joly had chosen as his colleagues strong men such as Honoré Mercier and F. G. Marchand, future premiers, Langelier, Bachand, Ross and Chauveau, Jr. Chapleau was chosen leader of the opposing forces, and with great skill and eloquence spiritedly attacked Joly and his associates.

The first session ended with prospect of better times for Joly, who expected to increase his slim and uncertain majority by winning some by-elections. But in no field more than in that of politics does the unexpected happen. During September the federal general elections took place and Sir John A. Macdonald was returned with a large conservative majority. This result greatly altered matters in Quebec and Joly was deprived of Mackenzie's support.

During the session of 1878 Sir John A. Macdonald, urged by his Quebec followers, had assumed a decisive stand against Letellier's *coup d'état* and had moved the following resolution :

> That the recent dismissal by the Lieutenant-Governor of Quebec of his ministers was, under the circumstances, unwise and subversive of the position accorded to the advisers of the Crown since the concession of the principle of Responsible Government to the British North American colonies.

Sir John, in the course of his speech advocating the adoption of this resolution against Lieutenant-Governor Letellier, said ' that in England the power of dismissal of a Government having the confidence of Parliament is gone for ever, and that since it had been abolished there, there should never have been an attempt to introduce it into a

colony under the British Crown.' To this Mackenzie replied that he did not propose to interfere and that nothing would be done by the government that would in any way place it in the position of having taken part in a political controversy which affected the Province of Quebec alone. It was for the people of Quebec to decide. The House of Commons agreed with Mackenzie.

This was early in 1878. In 1879, the situation between conservatives and liberals being reversed, another attack on Letellier was in order. Was not Sir John's condemnation, when leader of the opposition, of Letellier's course, a bond, a pledge that he would now as prime minister deal with him with all the rigour allowed by the constitution? His Quebec followers, fresh from the battlefield and flushed with victory, called for Letellier's decapitation. Sir John reluctantly acquiesced and an order-in-council dismissing the partisan lieutenant-governor was presented to the governor-general. To everybody's surprise—and from beginning to end this Letellier affair was a veritable mine of surprises—Lord Lorne, then governor-general, showed a decided aversion to follow his ministers' advice. Sir John, with his usual skill, urged him to withhold his decision and consult with the colonial office regarding the course to be followed, as there were no precedents under the act of 1867 to guide the Canadian government in this case. Lord Lorne acquiesced, and Hector Langevin and J. J. C. (afterwards Sir John) Abbot went to England to confer with the imperial officials on the matter. The Canadian envoys returned to Ottawa in July 1879 carrying instructions from the colonial secretary, Sir Michael Hicks-Beach, to Lord Lorne, who was directed to follow his ministers' advice. Lorne therefore signed an order-in-council dismissing Letellier, 'whose usefulness,' this document said, 'was gone.'

Sir Michael Hicks-Beach, after reciting every fact of the case, stated that the law did not empower Her Majesty's government to decide it, and therefore Her Majesty's government did not propose to express any opinion with regard to the matter. He then proceeded to define the position of a lieutenant-governor:

> The main principles determining the position of the Lieutenant-Governor of a province, in the matter now under consideration, are plain. There can be no doubt that he has an unquestionable constitutional right to dismiss his provincial ministers, if, from any cause, he feels it incumbent upon him to do so. In the exercise of this right, as of any other of his functions, he should, of course, maintain the impartiality towards rival political parties which is essential to the proper performance of the duties of his office ; and, for any action he may take, he is, under the 59th section of the Act, directly responsible to the Governor-General.

It had been contended in Canada by friends of Letellier that the governor-general should alone, without the advice of his ministers, decide whether a lieutenant-governor could be dismissed or not. With reference to this point Sir Michael called attention to the fact

> that while, under section 58 of the Act, the appointment of a Lieutenant-Governor is to be made 'by the Governor-General-in-Council by instrument under the Great Seal of Canada,' section 59 provides that 'a Lieutenant-Governor shall hold office during the pleasure of the Governor-General,' and much stress has been laid upon the supposed intention of the Legislature in thus varying the language of these sections. But it must be remembered that other powers, vested in a similar way by the statute in 'the Governor-General,' were clearly intended to be, and in practice are, exercised by and with the advice of his Ministers ; and, though the position of a Governor-General would entitle his views on such a subject as that now under consideration to peculiar weight, yet Her Majesty's Government do not find anything in the circumstances which would justify him in departing in this instance from the general rule, and declining to follow the decided and sustained opinion of his Ministers, who are responsible for the peace and good government of the whole Dominion, to the Parliament, to which, according to the 59th section of the statute, the cause assigned for the removal of a Lieutenant-Governor must be communicated.

The curtain was soon to fall in Quebec on the last act of

the Letellier drama. Hostilities were renewed with extreme violence during the summer of 1879, with increased hopes of success for Chapleau and his friends.

The contest between conservatives and liberals, from Letellier's *coup d'état* to his dismissal and the downfall of Joly, was conducted without regard for constitutional usage. The first abuse of power stung the legislative council, almost exclusively conservative in its composition, into a violation of British practice. When the supply bill came up for their sanction, they refused to consider this all-important measure. There had been from time immemorial no English precedent for such a course. It was a glaringly arbitrary act, so much so that those responsible for it tried to give it the colour of justice by declaring that 'the council believed it to be its duty to delay the passage of the Supply Bill until his Honour should be pleased to select new constitutional advisers whose conduct could justify the Council in entrusting to them the management of the public moneys.'

From whatever point it is considered this delay can hardly be regarded otherwise than as a reprisal. The reason alleged was in itself an encroachment upon the rights and privileges of the elective chamber, and a direct appeal to the governor to dismiss his advisers.

To cope with this unprecedented and unexpected trouble, Joly adjourned the house for eight weeks—from September 2 to October 28. When parliament resumed business, the situation had not improved for the government. It was proposed by a conservative member that, in order to put an end to a reign of political warfare and to a most inconvenient deadlock, all the members should unite their efforts to form a strong and effective administration. This motion, which implied a vote of want of confidence, was carried by a majority of six. During recess four of Joly's supporters, among them a minister, had changed their allegiance to become supporters of Chapleau.

Undaunted by this blow and determined to fight to the last ditch, Joly requested Lieutenant-Governor Robitaille, who had succeeded Letellier, to dissolve parliament, on account of the unconstitutional position taken by the legis-

lative council, which had brought on an adverse vote in the house.

Robitaille refused to grant a new appeal to the people. It was scarcely a year, said the lieutenant-governor, since general elections had taken place, with the result that Joly had, according to his views, a majority, and according to those of his opponents, a minority. Robitaille pointed out to Joly that he had been enabled to keep himself in power at first only by the vote of the speaker, and subsequently that he had had a majority varying from four to two votes, and 'finally you come and announce to-day to the representative of the Crown that you find yourself in a house formed under the Elections asked for by yourself in a minority of six votes.' Robitaille also stated that as the exchequer was almost empty the expenditure consequent upon a fresh appeal to the people would not be justified. There remained after this refusal but one course open to Joly—resignation.

It might be asked here if Robitaille would have refused to dissolve parliament had his political friends been in power? The impartial observer will realize that the policy of both factions in this controversy on the *coup d'état* was subordinate to the dictates of party interests more or less skilfully coloured with constitutional sophisms.

The Chapleau Administration, 1879-82

Joseph Adolphe Chapleau, then the most brilliant speaker of Quebec, formed the new administration, which included two ex-followers of Joly, Edmund James Flynn and Étienne Paquet. Louis O. Loranger, J. G. Robertson, William W. Lynch, J. S. C. Würtele and E. Dionne also entered the cabinet.

Chapleau found the resources of Quebec taxed to their utmost limit and made a determined and successful effort to improve the financial situation. The North Shore Railway had cost $13,985,740. Finding that the state-owned road could not be operated profitably with competition on

all sides, he resolved to dispose of it. It was accordingly sold to the Canadian Pacific for $7,600,000.

When the question of this railway had been first mooted, it was looked upon as the terminal section of the proposed transcontinental railroad. Cartier had made a statement to that effect when moving the second reading of the Canadian Pacific Bill in 1872. Alexander Mackenzie had also declared in 1879, in expounding his scheme of a transcontinental railway, that he would help by cash subsidies all lines running east and west connecting with the government railways. Taking a firm stand on these promises, Chapleau requested Sir John A. Macdonald to endeavour to persuade the Canadian Pacific Railway Company to take the Quebec Railway as part of its line. The appeal had at first no result, but Chapleau renewed his request after he had become one of Sir John's colleagues in 1882. The matter was finally settled in 1884, when parliament financially helped the Canadian Pacific Railway to take both sections of the provincial road. Under the agreement Quebec received $2,394,000 as compensation for its expenditure in building the road, and the Canadian Pacific Railway $960,000 as an inducement to buy the same.

Several railway companies were incorporated and received government aid. It had been the policy of the previous administration to help the companies building railways by awarding them land grants. As it was found difficult in practice to dispose of the lands, Chapleau suggested to parliament to take them back in part and substitute cash subsidies. The change was most favourably received and was taken advantage of by almost all the companies.

It had also been Chapleau's aim to attract foreign capital to Quebec. With this object in view he proceeded to France and induced Parisian bankers to form a loan company in Montreal. This institution—*Le Crédit foncier franco-canadien*—is still in existence, and has extended its operations west as far as Winnipeg and Edmonton.

Agricultural interests were also promoted. Quebec had once been a wheat-growing country, and to such an extent that from the Richelieu River region alone, according to

Sir Georges Cartier, as much as a million bushels of that cereal were exported annually by one merchant. But in the forties the devastation caused by the Hessian fly compelled Quebec farmers to give up the cultivation of wheat. New schemes were adopted to derive from the soil the largest profits possible. Stock-raising was tried, but the great length of the winter, entailing the stabling of animals for seven months in the year, was an insuperable obstacle. Dairying—butter and cheese making—was resorted to by some intelligent farmers and found to be most profitable. In the light of this fact the government by every means in its power endeavoured to direct the energies of the farmers into this new channel. Dairying changed the face of the province and turned into prosperous regions large areas where a scanty and precarious living had been the rule.

The Mousseau, Ross and Taillon Administrations, 1882-87

Chapleau left Quebec in July 1882, having been in office only two years, to take a portfolio in the Macdonald cabinet. During the four years after his departure, the conservatives held power at Quebec, though with some changes in their leaders. At first Joseph A. Mousseau took the helm, but resigned on being called to a judgeship in 1884.

Under Mousseau and his successor, John J. Ross, but few bills of public interest were passed. Discussions on local matters such as the incorporation of numerous joint stock companies and of municipal charters, etc., took up most of the time of the legislature. The limited financial resources at that period compelled Mousseau, Ross and his successor, Louis O. Taillon, to forgo all railway undertakings and to restrict themselves to a very conservative policy in money matters. Among the few laws of a public nature passed under these three premiers were those pertaining to the protection of persons employed in manufacturing industries; to the management of lunatic asylums

so that half of the expenses of maintenance would be at the charge of municipalities sending patients to the Beauport or Longue Pointe Asylums ; and to the protection of game and fish. A few amendments to the civil and municipal codes were also passed.

During Mousseau's term of office the parliament buildings were burned down. They had been erected in 1859 and were occupied by the legislative assembly and council of Canada from that year until Confederation, when they were handed over to the Province of Quebec. It was within their walls that the Quebec Conference (1864), preparatory to Confederation, held its sittings. After the conflagration it was decided to build a substantial structure designed to afford accommodation for both houses of parliament and for the various departmental offices, which were at the time poorly situated here and there throughout the upper town. The new parliament buildings, an ornament to Quebec, still stand on prominent ground overlooking the St Charles valley. So far their cost has been $1,669,000.

While Mousseau and Taillon led the house, their chief adversary, the opposition leader, was a man of marked ability and courage. From day to day Mercier challenged the government policy and bitterly criticized their administrative action, with the firm determination to oust them from power. Unfortunately for him his opponents in the house were numerically very strong ; and he had to contend against the overwhelming majority that the general elections of 1882 had given Chapleau.

Mercier's gallant fight would have long remained fruitless had not one of those unexpected and unforeseen storms, which now and then burst upon the political world, come to his aid. We refer to the agitation in Quebec consequent upon the execution of Louis Riel for high treason. It was a matter altogether foreign to provincial politics, but as the aims and interests of the conservatives of Quebec were closely linked with those of their friends at Ottawa, the former were held responsible for a deed with which they had had nothing to do. Mercier stumped the country against his political opponents in general, holding meetings at which the Ottawa

and Quebec ministers and their friends were held up before the people as traitors to their nationality. Strong appeals were made, with great effect, to racial prejudices; and at the provincial election the large conservative majority was almost wiped out. Ross resigned the premiership in favour of Louis O. Taillon, who endeavoured to strengthen the cabinet in view of the approaching session. The new premier failed in his effort and remained only two days in power—January 25 to 27, 1887.

The Mercier Administration, 1887-91

At the very first contest in the house Mercier won the day, the government candidate for the speakership being defeated. Mercier's career as an agitator ended with his advent to power. Great were the expectations of his countrymen; for, gifted as he was with varied talents, he could not but contribute largely to the welfare of Quebec. His activity was extraordinary. Surrounded by men who were new to public affairs, and with experience as minister under Joly of only eighteen months, he had personally to oversee the administrative duties of all departments. His colleagues were Joseph Shehyn, provincial treasurer, James McShane, commissioner of Public Works, Pierre Garneau, commissioner of Crown Lands, Joseph Emery Robidoux, provincial secretary, and Charles Langelier.

His attention was first directed to roadways in country districts; they were improved, and iron structures were substituted over many rivers and streams for the wooden bridges everywhere in use in Quebec before his time. In connection with the iron bridge policy, Mercier helped the municipalities to the extent of $355,000. Over fifty parishes availed themselves of the opportunity to greatly improve their means of intercommunication. This contribution to the construction of iron bridges was initiated as a compensation or indemnity to old settlements in Quebec that had for years, without any return to themselves, done their share in building country roads and in the colonization of various districts.

For years it had been the ambition of Quebec to span the St Lawrence by a bridge at or near the old city. This was considered a central point of trade both in general and local commerce. During winter communication between the north and south shores of the river was difficult, and it behoved men in power to promote public interests by connecting them in a permanent way. It was a gigantic enterprise. Requests at Ottawa for subsidies for the construction of the proposed bridge had remained unheeded, but Mercier in 1889 stepped into the field and proposed to help the promoters of this project. He had a bill passed granting a guarantee of interest on bonds to the amount of $3,000,000 issued by any company undertaking the project, the said interest to be paid from the opening of the bridge to traffic.

Railways were not forgotten, and all the help that the provincial exchequer could spare was given to that important factor of prosperity. The total amount placed at their disposal during the Mercier régime reached $2,788,997.

Another matter of the greatest importance dealt with by Mercier was the vexed question known as the Jesuits' estates affair. This question had been long in suspense and former governments had not dared to attempt its solution. As is well known, the Jesuits had come to Canada in 1625. From that time until 1759 they had done heroic work, preaching the gospel throughout Indian villages, sharing the dangers and hardships of savage life, and being daily exposed to martyrdom. Parkman has borne eloquent testimony to the extent of the field of their labours :

> Amid the snow of Hudson Bay, among the woody islets and beautiful inlets of the St Lawrence, by the council fires of the Hurons and Algonquins at the sources of the Mississippi, where first of the white men, their eyes looked upon the Falls of St Anthony, and then traced down the course of the bounding river as it rushed onward to earn its title of 'Father of waters,' on the vast prairies of Illinois and Missouri, among the blue hills which hem in the salubrious dwellings of the Cherokees, and in the thick canebrakes of Louisiana—everywhere were found the members of the society of Jesus.

Towards the end of the eighteenth century a series of misfortunes befell that militant order both in Canada and in France. Upon the capitulation of Quebec and Montreal and by the Treaty of Paris religious liberty was granted to the king's new subjects, but the fate of the religious orders was left to a large extent to His Majesty's pleasure. Eventually, however, the status of the Catholics was well determined by the Quebec Act of 1774, which gave them complete liberty. Accordingly new instructions were sent to the Canadian governor. In this document occurs the following passage definitely suppressing the Jesuit order :

> That the Society of Romish Priests, called the Seminaries of Quebec and Montreal shall continue to possess and occupy their Houses of Residence and all other Houses and Lands to which they were lawfully entitled on the 13th of September 1759 ; and it shall be lawful for those Societies to fill up Vacancies, and admit new Members according to the Rules of their Foundations. . . .
>
> That the Society of the Jesuits be suppressed and dissolved, and no longer continued, as a Body corporate and politic, and all their Rights, Possessions and Property shall be vested in Us for such purposes, as We may hereafter think fit to direct and appoint ; but We think fit to declare Our Royal intention to be, that the present Members of the said Society, as established at Quebec shall be allowed sufficient stipends and Provisions during their natural Lives.

It will not be considered out of place to mention in this connection that in 1764 all the Jesuits had been expelled from France, and that in 1773 Pope Clement XIV suppressed the order throughout the world.[1] This double blow dealt by a Catholic king and the Pope was not likely to render

[1] It is a well-known fact that the Pope acted in this matter under compulsion of the courts of France, Spain, Austria and Portugal, and that after signing the fatal sentence he constantly regretted his action, suggested by a fear of a schism in the Church. He was heard to repeat during an illness that followed the condemnation of his once powerful friends, '*Compulsus feci*'—'I was compelled to do it.' Throughout Christendom sadness prevailed when it was learned that the Jesuits were non-existent.

George III better disposed to the Jesuits than their natural protectors.

Between 1811 and 1814 the order was re-established by Pope Pius VII. In 1842, at Bishop Bourget's request, a certain number of Jesuits returned to Canada and founded St Mary's College in Montreal. This institution soon occupied a prominent place among French-Canadian classical colleges and obtained from parliament a charter giving it legal status.

The Jesuits' estates had never been lost sight of by the Church, and from time to time its bishops had raised their voices in protest against the continued usurpation of this property. Foremost among those who asked for the return of this property to their true owners were Bishop Hubert (1799) and later on Bishops Turgeon, Lartigue, Bourget and Horan.

The British government had not taken any notice of the first requests and simply transferred the Jesuits' estates to the Lower Canada government, who in turn appropriated their revenue to educational purposes. Under the union of the two Canadas several petitions for the restoration of these now famous estates met with no better fate. After Confederation it was expected that with a government in a great majority Catholic the question would be taken up and brought to a fair settlement ; but up to this time no cabinet had been willing to deal with this delicate matter for fear of a dangerous agitation.

In 1888 Mercier, whose courage and clear-sightedness led him to grapple with any matter difficult of solution, decided to settle the affair. After protracted negotiations a compromise was arrived at under which the Jesuits would receive $400,000 as a compensation for their property (valued at two million dollars), which the government would continue to hold. As this outlay would affect Protestant educational institutions, which were receiving their share of the Jesuits' estates revenue, $60,000 was set aside to make up for their loss.

Before the last was heard of this matter a stormy debate arose over a motion in the House of Commons during the

session of 1889. Its supporters contended that the Jesuit Quebec Act was unconstitutional and should have been disallowed: 'first, because it endowed from public funds a religious organization, thereby violating the undoubtedly constitutional principle of the complete separation of Church and State and of the absolute equality of all denominations before the law; secondly, because it recognized the usurpation of a right by a foreign authority, namely His Holiness the Pope of Rome, to claim that his consent was necessary to empower the provincial legislature to dispose of a portion of the public domain, and also because the act is made to depend upon the will, and the appropriation of the grant thereby made subject to the control, of the same authority; and, finally, because the endowment of the Society of Jesus, an alien, secret and politico-religious body the expulsion of which from every Christian community wherein it has had a footing had been rendered necessary by its intolerant and mischievous intermeddling with the functions of civil government, is fraught with danger to the civil and religious liberties of the people of Canada.' The motion was finally defeated by a large majority, only thirteen members casting their votes in its favour.

Before leaving this subject it may be mentioned that Rodrigue Masson, at the time lieutenant-governor of Quebec, contributed in a large measure to the settlement of this vexed question. The present writer was told by Masson himself that while in Rome he suggested to the papal authorities the compromise that was then agreed to and which he shortly after, on his return to Quebec, handed to his prime minister, Mercier. *Cuique suum.* This, however, does not detract from the latter's merit in having had the courage to bring this proposal before the legislature.

In 1887, at Mercier's request, the premiers of several Canadian provinces, with a number of their colleagues, met at Quebec. The object of the inter-provincial conference was to study various matters pertaining to local government with a view to improving their financial position and strengthening provincial autonomy. Oliver Mowat, George W. Ross, W. S. Fielding, James W. Longley, G. A. Blair and

John Norquay, among others, represented Ontario, Nova Scotia, New Brunswick and Manitoba at that important gathering. British Columbia and Prince Edward Island refused to take part in the conference.

After several long discussions the opinions of these representative men materialized in a series of resolutions. It was first suggested in one of them that the British North America Act should be amended by the imperial parliament, so as to define more clearly the respective limits of legislative and executive powers and also the functions of the federal and provincial governments, in order to avoid friction and misunderstanding between them. The conference also expressed its desire that the power of disallowance exercised by the central government over provincial legislation should be transferred to Her Majesty in council as was the case before Confederation. The resolution containing a demand for increased provincial subsidies from the federal government was not then acted upon at Ottawa.

The reform of the Senate was also asked for to protect more effectively provincial interests. To that end 'the British North America Act should be so amended as to limit the term for which Senators hold office, and to give the choice, as vacancies occur, to the Province to which the vacancy belongs, until, as to any Province, one-half of the members of the Senate representing such Province are Senators chosen by the Province.'

The usefulness of the legislative councils in the five provinces where they existed was also considered. After mature deliberation it was agreed that under responsible government, and with the safeguards provided by the constitution, a second chamber was unnecessary. Then arose the question of how to do away with this useless wheel. According to the act of 1867 the local legislatures can amend provincial constitutions, but such power becomes null and void as far as the upper house is concerned, as naturally that body would not be willing to commit suicide. It was discovered that a remedy could be provided, and the conference suggested that the British North America Act should be so amended that 'upon an address of the House of Assembly,

the elected representatives of the people, Her Majesty the Queen may, by Proclamation, abolish the Legislative Council, or change the Constitution thereof provided that the Address is concurred in by at least two-thirds of the members of such House of Assembly.'

The most practical work of the conference was in connection with the subsidies paid by the Dominion government to the provinces. Experience had shown that with time these money grants had become inadequate for the purposes intended. It will be remembered that under the British North America Act the following sums were to be paid by the Dominion to the provinces who had surrendered their revenues to their central government:

Ontario	$80,000
Quebec	70,000
Nova Scotia	60,000
New Brunswick	50,000

Each province was also entitled to an annual subsidy equal to eighty cents per head of the population as ascertained by the census of 1861. It was suggested by the representatives of each province that the annual subsidy should be fixed as follows:

(*a*) Where the population is under 150,000	$100,000
(*b*) Where the population is 150,000 but does not exceed 200,000	150,000
(*c*) Where the population is 200,000 but does not exceed 400,000	180,000
(*d*) Where the population is 400,000 but does not exceed 800,000	190,000
(*e*) Where the population is 800,000 but does not exceed 1,500,000	220,000
(*f*) Where the population exceeds 1,500,000	240,000

It was proposed to alter the annual grant *per capita*, paid at the rate of eighty cents, at each decennial census, until the population should exceed 2,500,000, from which time a grant of sixty cents per head should be made for so much of the population as should rise above that number.

Every measure brought on by Mercier bore the mark

of his energetic and original mind, and manifested his ambition to go out of beaten tracks. For instance, in order to promote colonization he granted one hundred acres of land to every man who was the father of twelve children. Over three thousand persons availed themselves of this liberal legislation within a year after its appearance in the statute-book.

The popularity of Mercier in the country and in the legislature had reached its zenith when Lieutenant-Governor Angers dismissed him on account of the part he had taken, or supposedly had taken, in the transaction known as the Baie des Chaleurs Railway Scandal. This matter may be summarized as follows. In 1881 a company had been organized to build a railroad in the Gaspe peninsula. The following year it gave a contract to construct part of the line to C. N. Armstrong. After building portions of the road and finding himself unable to proceed further, Armstrong handed over his undertaking to another contractor, by the name of McFarlane, who in turn, after pushing the work, became insolvent. In 1890 Mercier was elected in Bonaventure, and pledged himself to complete the road. To that end a new company was organized, and subsidies to the amount of $280,000 were voted for the purpose of completing the line and paying outstanding debts. The law clearly sets out the purpose of this subsidy in the following clause :

> To aid in completing and equipping the Baie des Chaleurs Railway, throughout its whole length for the part not commenced and that not finished, about 80 miles, going to or near Gaspe Basin $280,000.
>
> Payable to any person or persons, company or companies, establishing that they are in a position to carry out the said works and to supply the rolling stock for the whole road and keep it in good working order, and also upon condition that the balance of the privileged debts due by the Baie des Chaleurs Railway Company be paid, the whole to the satisfaction of the Lieutenant-Governor-in-Council.

Armstrong then presented an account for $298,000, due to him for work performed. This amount having been cut



PRIME MINISTERS OF QUEBEC SINCE CONFEDERATION

From photographs



PRIME MINISTERS OF QUEBEC SINCE CONFEDERATION

From photographs

down to $175,000 under certain arrangements, and having been certified by the company's federal and provincial government engineers, was paid by Pierre Garneau, then minister of Public Works. Out of this amount the sum of $100,000 was handed to Ernest Pacaud, editor of *L'Électeur* and a friend of Mercier, in consideration of services rendered by Pacaud in having the claim recognized and paid.

In 1891 a bill was introduced in the Senate with a view to placing the Baie des Chaleurs Railway under the Dominion parliament. The committee of the Senate that had charge of the bill began an investigation into the 'Baie des Chaleurs Scandal'—as it was called—and, after a protracted inquiry, found that Armstrong had been paid $175,000 out of which Pacaud had received the larger share, namely $100,000. With this evidence before it the committee framed the following conclusions:

> Upon the above facts and upon the evidence, oral and written, produced in support of them, Your Committee finds that out of the said sum, $280,000, the Company was illegally deprived of $175,000 which was appropriated and disposed of as above stated, and that the assets of the Company applicable to the payment of its debts and the completion of the railway, have been improperly and illegally diminished to the extent of the said sum of $175,000.
>
> C. N. Armstrong was not entitled to be paid any amount out of such subsidy of $280,000, and the sum of $175,000 was so paid to him only in consideration of his promise to Ernest Pacaud of $100,000 out of the said $175,000.[1]

Upon seeing the report of the committee of the Senate, Lieutenant-Governor Angers called Mercier's attention to the serious aspect of the matter. In a letter from Angers to the premier the following passage occurs:

> It would appear that the Government, when paying $175,000 to Mr Armstrong, made a payment to a

[1] It is only fair to observe here that Pacaud did not deposit in his own name the $100,000 received from Armstrong. A large amount was used to pay promissory notes (contributions to electoral funds) bearing the signatures of several liberal politicians.

person to whom it owed nothing and to whom the Baie des Chaleurs Railway Company owed debentures only ; that in view of the evident intent of the Act 54 Vict., and of your declarations made to the House, the government, even with the consent of the company as reorganized, should not have paid Mr Armstrong any part of the $280,000 before the company had been entitled to them by works to be performed, the pretensions of Mr Armstrong not coming within the category of the debts of which the statute authorized the settlement before the subsidy was earned through works done ; that when it paid Mr Armstrong the sum of $175,000, the Government paid it to the persons against whom the creditors of the class mentioned in the statute were to be protected ; and that at all events, the sum of $100,000 which went to Mr Pacaud, has deprived by so much a public enterprise of the subsidy granted it by a vote of the Legislature.

Angers also observed that the money had been paid by letters of credit without his knowledge :

> I bring particularly to your notice that the mode of raising funds by letters of credit, without the sanction of the representative of the Crown, is not recognized by law. By such means, in the present case, the Government drew the sum of $175,000 out of the treasury without having recourse to the sanction of the Lieutenant Governor as the law required.

To this Mercier replied, after reviewing the evidence adduced before the Senate :

> It results from the above that the negotiations between the Government and the Company have been conducted in the most regular and honourable manner possible, on a business basis only, and that nothing has occurred which can, either directly or indirectly, give rise to suspicions as to the perfectly honourable character of the transaction as regards the Government and the Company.
>
> Moreover, it is quite evident that, without the Pacaud-Armstrong incident, no one would have dreamed of making the slightest insinuation against the transaction.
>
> This Pacaud-Armstrong incident is very regrettable,

> and it is my duty to condemn in the severest terms the extraordinary bargain made between these two parties, and if my colleagues or myself had had any knowledge of it, all negotiations would have ceased. And it is doubtless because they were convinced of this that those gentlemen so carefully concealed their transaction and kept it entirely secret, when it would have been so easy for Mr Armstrong to inform the ministers or some of them of the exaction of which he was the victim.

After this exchange of correspondence Lieutenant-Governor Angers informed his chief adviser that it was the duty of the executive to have the matter thoroughly investigated. For this purpose it was imperative to institute a royal commission. Accordingly, Justices Baby, Jetté and Davidson were appointed commissioners, and after a protracted investigation they reported their conclusions to Angers, Judge Jetté dissenting:

> The claim of Mr Armstrong was neither an exigible nor a privileged claim; Mr J. C. Langelier made no inquiry as to whether it was or not; its payment was under special instructions, and these even under the order-in-council would have been impossible, had the expression 'privileged debts' been preserved. If Armstrong possessed privileged rights, or was in a position to harass the new promotion of enterprises—and this was quite possible—the matter was one for private settlement and in no sense warranted the payment of his claim by an advance of $175,000 out of the public Treasury. That it was so paid is a circumstance which acquires great gravity in the presence of other facts on record.

According to Justices Baby and Davidson, Mercier was ignorant of the Pacaud-Armstrong agreement. Mr Jetté's opinion conflicted with that of his colleagues, as he declared:

> Armstrong, as I have just stated, had done a good deal of work on this road, and he had for this work a claim to the amount of $298,943.62 based upon reports of the engineers of the Company, and which, moreover, the latter admitted to be correct, as established by the

certificate of the managing director, Mr Riopel, and of the Secretary-Treasurer, Mr Robitaille.

Having read the conclusions of Justices Baby and Davidson, Angers decided that the Baie des Chaleurs transactions had been known by at least some of his ministers, if not by Mercier himself, and that these had connived at Armstrong and Pacaud's dealings, and that there was no other course open to him but to dismiss his advisers.

This action taken by Angers was denounced by his opponents as a *coup d'état*, inspired by partisanship, to place the government in the hands of the conservatives. It was argued that if Angers could not trust Mercier with the interests of the province, he should at least have chosen other advisers from the ranks of the liberals. The conservatives replied that Mercier had ruled the country with the utmost disregard of constitutional usage, and that he was fast leading the province towards a dangerous financial state, and that his administration of public affairs could not be tolerated. There were many who, while condemning Mercier's conduct, did not approve of Lieutenant-Governor Anger's *coup d'état*, considering it arbitrary and in direct opposition to his attitude in the Letellier affair. According to these critics, Angers should have formed a new cabinet out of the existing liberal majority in the house. His sole object, they said, was to transfer power from the liberals to their opponents.

It was argued, on the other hand, that the Letellier case was not similar to that of Angers. The latter crisis concerned the future of Quebec, Mercier's methods of managing public business being so dubious that the finances of the province were jeopardized. Was not Angers justified in dismissing a prime minister who, for the different transactions mentioned above, had used letters of credit on the banks to avoid the lieutenant-governor's interference in the matter? As to the question of Mercier's dismissal, opinions of eminent law counsels were quoted, and especially that of Sir Michael Hicks-Beach, who had advised Lord Lorne in the Letellier affair.[1]

[1] See p. 187.

This was not the end of this celebrated case. After Mercier's dismissal the new government instituted before the superior court proceedings for the recovery from Pacaud of the $100,000. Judge Andrews decided that the government was justified in their claim, and the Court of Review composed of three judges concurred in that view. The case was finally appealed to the Supreme Court. This tribunal decided that there was no connecting link between the crown and Pacaud, the money having been paid to Armstrong. Reviewing the whole case, this high tribunal held

> that the Action must fail if it could not have been maintained against Armstrong; that the onus was on the Crown of proving Armstrong's claim to be fictitious; that the Crown not only failed to satisfy such onus, but the evidence clearly established the claim to be a just and reasonable one; and that the action could not be maintained, as it did not ask for cancellation of the Order-in-Council and the letter of credit issued, and that the payment made by the Crown thereunder should be set aside.
>
> Held, further, that the payment to Armstrong with the consent of the new company was a discharge to the Government *pro tanto* of the subsidy due to the company, and if wrongfully paid the latter could only recover it back.
>
> Held, also, that even if the Crown could have recovered the amount from Armstrong, it could not succeed against Pacaud, who, as the record showed, had ample reason for believing that the company was indebted to Armstrong as claimed.

Mercier survived his dismissal but a few years. He was a man of undoubted ability, vigorous and astute. He had risen from the ranks and he remained one of the people till the end. No other French-Canadian orator of his time had a greater hold on the hearts of his countrymen. Had he shown more wisdom and prudence, his tenure of office might have lasted till the end of his life.

The Second de Boucherville Administration, 1891-92

Lieutenant-Governor Angers, having dismissed Mercier, called upon de Boucherville to form a new cabinet. It seemed to be this statesman's lot to have to pilot his friends through dangerous political channels. He had succeeded Ouimet after the 'Tanneries Scandal,' and now he was requested to take the helm in the midst of a most turbulent storm. A general election was ordered at de Boucherville's request, and so strong was the feeling throughout Quebec against Mercier that only twenty-five liberals were returned in a house of seventy-two members. In the assembly just dissolved all the members but thirteen had supported him.

Investigations into certain administrative acts of several ex-ministers were begun. One charge against them concerned a contract into which the government had entered with a bookseller named Langlais. Under this agreement the latter was bound to supply books and stationery to the government for five years. As Langlais had not sufficient money to carry out his contract, the government had advanced to him $60,000. It was proved before the investigating judge that this sum was afterwards transferred to C. A. Geoffrion of Montreal to be used in the electoral contest then going on throughout the Dominion.

Proceedings before the criminal court were instituted at Quebec in October 1892 against Mercier and Pacaud. The charge based on the late government's contract with Langlais was that they had combined and conspired together, by false pretences, to unlawfully obtain from the province $60,000. After a lengthy trial before Justice Würtele, the jury returned a verdict of 'not guilty' against both defendants.

Other charges had been laid against Mercier and his friends, Justice Mathieu and Donald MacMaster being appointed to investigate the same. It came out in the evidence connected with a certain contract for repairs at the Montreal Court House that Whelan, the contractor for the same, had contributed to Mercier and his friends $113,000.

Whelan frankly declared that he had handed the amount in question to ministers and their supporters for electoral or private purposes.

De Boucherville found himself at the outset face to face with a difficult financial position. Expenditure had largely increased under his predecessor, in fact much beyond what could be met by the ordinary revenue. When Mercier took charge of public affairs in 1887 the provincial net debt totalled $11,389,167; at his dismissal it had reached $24,288,038, making an increase of $12,898,871. Under his régime the ordinary expenditure had increased from $3,365,032 to $4,095,520. There was but one solution—increased taxation. Bills were therefore introduced to put additional burdens on the province, each of them being prefaced with a statement of the financial situation. De Boucherville and his colleagues intended by so doing to lay the responsibility for these taxes where it belonged.

The first of the bills imposed taxes on every firm or company engaged in the manufacture of any article of commerce, and on every shopkeeper; the second bill taxed all members of liberal professions, advocates, notaries, engineers, etc.; the third increased the taxes on commercial corporations; and finally duties were put on estates acquired by wills and transfers of real estate.

The Taillon Administration, 1892-96

In December 1892 de Boucherville tendered his resignation, which was accepted shortly after Joseph A. Chapleau had been installed at Spencerwood as lieutenant-governor. No change of importance took place in the cabinet apart from that of the premiership, which went to L. O. Taillon, who had already filled the part of leader in the house under de Boucherville. All the ministers, Louis Beaubien, J. S. Hall, T. C. Casgrain, G. A. Nantel, L. P. Pelletier, E. J. Flynn and John MacIntosh, remained in their respective departments.

Taillon pursued the policy inaugurated by his predecessors. It was his object to improve the financial position of Quebec.

With that end in view he had a law passed to reduce the public debt by redeeming government bonds to the amount due by the Canadian Pacific Railway ($7,600,000) under the deed of sale of the railway from Quebec city to Ottawa. Authority was also given to the government to use for the same purpose the $2,500,000 granted by the Dominion to Quebec as a partial compensation for building that line.

The Flynn Administration, 1896-97

On May 1, 1896, L. O. Taillon, having accepted a portfolio in the Dominion cabinet of Sir Charles Tupper, was replaced by one of his colleagues, E. J. Flynn. All the former ministers remained in office with the exception of Thomas Chase Casgrain, who was replaced by Thomas Chapais, and John Smythe Hall, who made way for Albert W. Atwater.

With a view to protecting poor colonists in an efficient manner, several laws of an exceptional character were enacted. Settlers newly stationed on homesteads were frequently exposed to legal proceedings for debts contracted before taking possession of their farms. This situation impeded settlement of vacant lands, and very often colonists would not claim their patent from the crown, for fear of some legal process being instituted to deprive them of their holdings. The government, therefore, passed a law debarring from seizure settlers' lands and chattels.

Another law very beneficial to settlers was enacted. Under the old law, men holding timber limits were authorized to cut and take away the lumber on colonists' farms. The privilege extended to thirty months, dating from the arrival of settlers on crown lands. This abnormal privilege granted to lumber interests was justly abolished by Flynn and his colleagues.

In 1882 a statute had been passed to help provincial railway undertakings. It authorized the government to place at the disposal of the companies land grants, the sale of which would supply the funds required by the companies

engaged in railroad construction. This scheme did not answer the purpose, and in 1886 a new device was resorted to with the same object in view. The law enacted that these grants should revert to the crown, in return for a money grant representing the said land valued at seventy cents per acre, of which thirty-five cents would be available at once and the balance paid when the lands could be disposed of. In 1897 it was suggested that this legislation could still be improved upon, as the sale of government lands entailed long delays. It was therefore decided, at the request of interested parties, that they should give up their claim for the second thirty-five cents and receive in lieu thereof half that amount.

Quebec politics are always more or less influenced by those of Ottawa. Elsewhere in Canada double issues are to be found and people may differ on provincial questions and agree on federal matters, uphold Ottawa politicians and oppose local men. Not so in Quebec ; there no distinct line is drawn between federal and provincial politics.

Flynn became a victim to the prevailing sentiment, which was altogether favourable to liberal ideas. When Sir Charles Tupper had formed his cabinet in 1896, he requested Taillon to accept a portfolio. This offer was accepted, and Flynn, who had been minister in several administrations since 1897, formed a new cabinet. In the meantime Sir Charles dissolved parliament and appealed to the people. The election resulted in the success of Wilfrid Laurier, whose victory in Quebec was complete. This turn of affairs greatly affected provincial politics, and when Flynn was obliged, in 1897, to go to the country, he met with a most disastrous defeat. The voters divided on the same lines as in the recent federal election. Local matters had but little effect on this provincial contest. Wilfrid Laurier had carried the day because the Manitoba school question had not been settled to the satisfaction of Quebec, and the same current of opinion that had upset Sir Charles Tupper swept away Flynn, whose administration of public affairs, even if not marked by important measures, could bear the strictest investigation on the score of honesty.

The Marchand Administration, 1897-1900

Félix G. Marchand was called upon to form a new cabinet. His experience in provincial politics extended as far back as 1867, when he had entered the local house with Chauveau, Joly and Chapleau. Of a kindly disposition and very moderate ideas, he was specially fitted to rally around him the best elements of the liberal party. S. N. Parent, Lomer (now Sir Lomer) Gouin and Adélard Turgeon, who joined Marchand in the government, were looked upon as the men best qualified to second his efforts in the formation of a strong administration. No important departure marked the three years of Marchand's leadership. He felt that provincial finances could not stand any new burden. The public debt having reached $25,000,000, it was out of the question to increase it further by launching the province into new undertakings.

It was, on the contrary, imperative to restrict the expenditure to the strictest limit compatible with an efficient public service and also to find new sources of revenue. As no direct taxation on the farmers was to be thought of, public opinion being thoroughly opposed to it, no other scheme seemed feasible but that of drawing as much revenue as possible out of timber limits and taxes on commercial corporations and on wills and licences. This plan was so efficiently worked upon that in 1900, the last year of Marchand's lease of power (he died in September 1900), his treasurer, Henry J. Duffy, could boast of having nearly balanced the revenue and expenditure.

Further sources of revenue were looked for. There are throughout Quebec hydraulic forces in large number, and, as industrial ventures were being developed on all sides, it occurred to the government that these water powers could be disposed of with advantage. Accordingly, many of those situated on the Ottawa, St Maurice and Saguenay Rivers, etc., were leased for years on the condition that they would be utilized in the erection of mills and manufacturing establishments involving certain expenditures of not less than $5900 for each contractor. For the same financial purpose

many streams were leased to clubs interested in fishing, with the double object of increasing provincial revenue and protecting the fisheries.

One exception, however, to Marchand's restricted financial policy arose under strong outside pressure. The claim of Quebec for aid in the great undertaking of the Quebec Bridge could not be resisted. It was resolved by statute to grant $250,000, payable at the rate of $30,000 a year, to the company taking charge of this enterprise.

An important question was settled under the Marchand administration—that of the boundary between Quebec and Ontario. According to an agreement concluded between these two provinces and Ottawa, the western frontier of Quebec was determined by a line running from Lake Timiskaming to the shore of James Bay and eastward to the Newfoundland part of Labrador. In 1898 this vast tract of land was divided into three districts, respectively named Abitibi, Mistassini and Ashinaqui.

The Parent Administration, 1900-5

On Marchand's death S. N. Parent took up office. Though he was still young, his keen practical mind had already won him a provincial reputation. As mayor of Quebec he had worked wonders in improving that city from every material point of view. His success in municipal affairs had induced the Quebec Bridge Company to elect him president of that organization, of which he soon became the moving spirit. It was thought from his past success that provincial affairs could not be trusted to better hands.

His policy was laid out on the same lines as that of Marchand, a policy inspired by a desire to place public affairs on a sound basis. Most of Parent's colleagues, such as Gouin, Turgeon and Archambault, were young men of progressive spirit, as anxious as their leader to advance the interests of the province. But how could these be obtained with an empty exchequer? Still, it was important to favour several railway schemes, and, as funds were not available for the purpose, there was no course left open but to give

them land grants with the special condition that they should not be convertible into money. Twenty-four companies were benefited by such railway subsidies to the extent of 4000 acres per mile, the total length of these roads amounting to 629 miles.

In 1901, at the request of many persons interested in industrial pursuits, Parent placed in the provincial statutes a law constituting a board of arbitration and conciliation for the settlement of trade disputes. In 1902 he was instrumental in organizing a second inter-provincial conference. The programme of this meeting was not as complicated as that of 1887, all subjects bearing on constitutional matters being eliminated from it. Financial interests alone were considered, and all the ministers present at the conference agreed again to press the Dominion to increase provincial subsidies. Of course, it was represented, as in 1887, that the resources at Ottawa having developed beyond all expectation, Quebec, Ontario and the other provinces from which public revenues were derived should come in for their share of this enhanced public wealth. At the conference G. H. Murray and James W. Longley represented Nova Scotia; L. J. Tweedie and William Pugsley, New Brunswick; F. Peters, Prince Edward Island; R. P. Roblin, Manitoba; and Lomer Gouin, Quebec.

George W. Ross, premier of Ontario, not having been able to join his friends, endorsed their opinion and sent a memorandum in which he ably pleaded Ontario's views in this matter. Edward G. Prior, premier of British Columbia, who also was prevented from personally co-operating with S. N. Parent and his associates, approved the resolutions adopted and signified his willingness to second the efforts of other provincial ministers to obtain an increase in the Dominion subsidies to the provinces.

The Gouin Administration, 1905-

Of all the Quebec premiers since 1867 Lomer Gouin has held office for the longest period. He became premier in 1905, and at the time of writing (1913) is still in power.

But his experience as a minister of the crown extends further back, he having been associated with Parent in 1900 as commissioner of Public Works. His first political training began under Mercier, his father-in-law. While he has held office Sir Lomer Gouin has had to face talented opponents both in the house and outside, but their combined efforts have not succeeded in ousting him from power. A prominent lawyer, with marked business ability, he has succeeded in placing his province on a sound financial footing.[1] It must be remembered in this connection that through his efforts, in conjunction with those of other provincial premiers, in the third inter-provincial conference, held at Ottawa in 1906, he secured for Quebec and her sister provinces a considerable increase in the Dominion subsidies.

It had been a long-standing complaint in Quebec that there were throughout the province too many classical colleges that turned out every year, in numbers beyond

[1] The cabinet was first constituted as follows on March 10, 1905:

Adélard Turgeon	Minister of Lands, Mines and Fisheries	March 23, 1905
J. C. McCorkill	Provincial Treasurer	March 23, 1905
W. A. Weir	Minister without portfolio	March 23, 1905
Auguste Tessier	Minister of Agriculture	March 23, 1905
Rodolphe Roy	Provincial Secretary and Registrar	March 23, 1905
Jules Allard	Minister of Colonization and Public Works	March 23, 1905

Since that date up to 1913 the following appointments have been made in the cabinet:

Adélard Turgeon	Minister of Lands and Forests	July 3, 1905
Jules Allard	Minister of Public Works and Labour	July 3, 1905
Jean Prévost	Minister of Colonization, Mines and Fisheries	July 3, 1905
John C. Kaine	Minister without portfolio	January 3, 1906
W. A. Weir	Minister of Public Works and Labour	August 31, 1906
Auguste Tessier	Provincial Treasurer	August 31, 1906
Jules Allard	Minister of Agriculture	September 1, 1906
W. A. Weir	Provincial Treasurer	October 17, 1907
Charles R. Devlin	Minister of Colonization, Mines and Fisheries	October 17, 1907
L. A. Taschereau	Minister of Public Works and Labour	October 17, 1907
Jules Allard	Minister of Lands and Forests	January 21, 1909
J. L. Décarie	Minister of Agriculture	January 21, 1909
J. Ed. Caron	Minister without portfolio	January 21, 1909
J. L. Décarie	Provincial Secretary and Registrar	November 18, 1909
J. Ed. Caron	Minister of Agriculture	November 18, 1909
P. S. G. Mackenzie	Provincial Treasurer	January 17, 1910
N. Perodeau	Minister without portfolio	March 9, 1910

public requirements, future lawyers, doctors and notaries. On the other hand, schools for the preparation of young men for trades and mechanical pursuits were deficient. The government decided to fill this gap in the system of education, and accordingly established in 1907 two technical schools, one in Montreal and the other in Quebec. To aid the Montreal school a loan of $200,000 was authorized in its favour, with a grant of $30,000 to the same end. A law also gave Quebec the power to borrow $100,000 towards the support of its technical school ; to this sum were added contributions of $10,000 and $5000 from the government and the city respectively.

To complete the educational system, an institution, named *L'École des Hautes Études Commerciales*, was founded in Montreal. Its course of teaching comprises all subjects necessary to the education of young men in bank-management and in commercial and industrial undertakings on a large scale. A sum of $20,000 a year was granted to this school of higher commercial studies. The expenditure in connection with the institution has, so far, exceeded the original estimate. The same statement applies to the new Montreal gaol, which has now cost two millions, whereas it was intended at first to expend on that prison only $750,000.

During the session of 1909 parliament organized a commission of Public Utilities. This body was given superintendence over all Quebec corporations other than municipalities 'that own, operate, manage or control any system, works, plant or equipment for the conveyance of telegraph or telephone messages or for the conveyance of travellers or goods over a railway, street railway or tramway, or for the production, transmission, delivery or furnishing of heat, light or power, either directly or indirectly to or for the public.'

It was under Gouin's administration that many requests presented by the different provincial governments for financial aid were at last taken into consideration. At the third inter-provincial conference, held at Ottawa in 1906, the Quebec claims were strongly pressed and accepted by Sir Wilfrid Laurier and his colleagues. At an ensuing session parliament was asked to increase its subsidies to Ontario

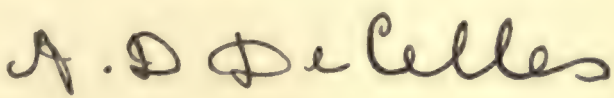
and Quebec and all the other provinces. Under the new adjustment Quebec receives a subsidy amounting to $2,025,795, an increase of $1,110,486 over the amount allowed in 1867.

Gouin's latest effort has been in the direction of improving country roads, and if his scheme is carried out, he will have conferred a lasting benefit on his province. During spring and autumn the roads are in such a bad condition that communication from one parish to another is seriously impeded.[1]

In order to improve the standard of instruction outside of cities the government has decided to open a normal school in every district. At present these institutions are to be found only in Montreal and Quebec.

It has already been mentioned that Quebec received a large territorial extension in 1899, when the frontier line between that province and Ontario was adjusted. A still larger territory was added to its area in 1912 by the annexa- of Ungava. It is hoped that in the 354,000 square miles constituting these unknown regions minerals of various sorts will be discovered. Explorations give grounds for such expectations. The present area of Quebec covers 706,834 square miles. It is the largest province in the Dominion.

The last fiscal year in Quebec (1913) closed with the considerable surplus of $428,752. This augurs better days, as, under the present policy of Gouin and his colleagues, all the resources of the province are to be used in the promotion of the intellectual and material advancement of the people.



[1] The law concerning the improvement of communications throughout the province authorizes the government to borrow $10,000,000, the same to be loaned to municipal corporations for the purposes mentioned. The latter obtain the money required for the work at two per cent per annum for forty years, the government laying aside during the same time two per cent to constitute a sinking fund for the redemption of the loan. Several municipalities have already (1913) availed themselves of this most favourable arrangement.

THE GOVERNMENT OF QUEBEC

THE GOVERNMENT OF QUEBEC

I

THE LEGISLATIVE BODIES

QUEBEC is one of the four original provinces of the Canadian Confederation. Prior to the coming into effect, by royal proclamation, on July 1, 1867, of the British North America Act, it formed, together with the present Province of Ontario, the old Province of Canada.

The legislature of Quebec consists of the lieutenant-governor and of two houses, styled respectively the legislative council of Quebec and the legislative assembly of Quebec.

The legislative council is composed of twenty-four members appointed for life by the lieutenant-governor in council, in the name of the sovereign, and by instrument of the Great Seal of Quebec. Legislative councillors must be British subjects, each possessed of real property to the value of at least $4000.

The legislative assembly consists of members elected by the popular vote. For many years after Confederation they numbered sixty-five, representing the same constituencies that return members to the Dominion House of Commons. But while the representation of the Province of Quebec in the House of Commons must continue to be composed of sixty-five members—thus forming the basis of representation for all the provinces[1]—the composition of the legislative assembly, by the British North America Act (section 80),

[1] The British North America Act, 1867, section 51.

was made subject to alteration by the legislature of Quebec. Of the authority so conferred the legislature has not been slow to avail itself, and the number of seats in the assembly has been increased with the growth of population. Prior to the session of 1912 the elective branch of the legislature had been for some time composed of seventy-four members. By legislation of that year the number of members was increased to eighty-one.

The sessional indemnity of members of both branches of the legislature is $1500. The speakers of both the legislative council and the legislative assembly receive extra annual allowances of $4000. The speaker of the council is appointed from time to time by the lieutenant-governor in council, while the speaker of the assembly is elected by the members at the first sitting of each parliament.

The work and authority of the two houses are divided as in the two houses of the Dominion parliament, and the same principle of responsible government prevails in the provincial as in the federal administration.

The executive work of government is carried on by the lieutenant-governor, advised by his ministers, who compose the executive council, or cabinet, which cabinet must enjoy the confidence of a majority of the members of the elective branch of the legislature. This cabinet consists chiefly of ministers presiding over the various departments of state, but often includes one or more ministers without portfolio.

It was provided by the British North America Act that the executive council of Quebec should consist—at least until the legislature otherwise provided—of six cabinet ministers; that is to say, of the attorney-general, the secretary and registrar of the province, the treasurer of the province, the commissioner of Crown Lands, the commissioner of Agriculture and Public Works, and the solicitor-general. The additional portfolio of president of the Council was created by special statute shortly after Confederation, and finally abolished by similar legislation in 1897.

In the late seventies of the nineteenth century the railway policy of the Quebec government had become one of its

most marked features. In addition to the expenditure of millions of dollars, in forest lands or money, for the subsidizing of various lines of railway, the province itself undertook the completion of the main lines now forming the Canadian Pacific Railway route from Quebec to Montreal and from Montreal to Ottawa, and thus it was that in 1880 a minister of Railways was appointed. The special department of Railways was abolished in 1885, and the present provincial administration of railway affairs is under the control of the department of Public Works, to which was added, in July 1905, the new department of Labour.

In 1897 the name of the Crown Lands department was changed to that of Lands, Forests and Fisheries. The Mining branch was taken away from it, and together with Colonization was formed into a new department called Colonization and Mines. In 1903 there was a department of Lands, Mines and Fisheries, and another of Colonization and Public Works. Up to this time the ministers had been styled commissioners. In virtue of special legislation they thenceforth became ministers in name as well as in fact. In 1905 the various departments were officially defined almost exactly as they now stand, Lands and Forests forming one department, and Colonization, Mines and Fisheries another. By legislation of 1912 the minister and the department of Agriculture became respectively the minister and the department of Agriculture and Roads.

At present writing (1913) there are more public departments of the government of Quebec than there are cabinet ministers with portfolios. These departments, which are ten in number, are as follows :

1. The department of the Executive Council, presided over by the first minister ;
2. The department of the Attorney-General, presided over by the first minister ;
3. The department of the Provincial Secretary, presided over by the secretary of the province ;
4. The Treasury department, presided over by the provincial treasurer ;
5. The department of Lands and Forests, presided over by the minister of Lands and Forests ;

6. The department of Colonization, Mines and Fisheries, presided over by the minister of Colonization, Mines and Fisheries;
7. The department of Agriculture, presided over by the minister of Agriculture and Roads;
8. The department of Roads, presided over by the minister of Agriculture and Roads;
9. The department of Public Works and Labour, presided over by the minister of Public Works and Labour;
10. The department of Public Instruction, which is under the provincial secretary, but the administrative direction of which is confided to the superintendent of Public Instruction.

The prime minister receives an annual salary of $7000, and each of his colleagues holding a portfolio receives one of $6000, both amounts being in addition to their sessional indemnities as members of the legislature. At the time of writing (1913) there are two cabinet ministers without portfolios.

II

THE DEPARTMENTS OF GOVERNMENT

Department of the Executive Council

MEETINGS of the executive council, popularly known as cabinet meetings, are subject to the call of the prime minister, who presides over them. Business requiring the sanction of the lieutenant-governor in council is first brought to the attention of the executive council by the prime minister, or by the particular minister to whose department it belongs. A formal recommendation to council previous to its approval by the council of ministers is known as a report to council, and is usually prepared in advance, under the direction of a minister, by his deputy or some other responsible officer. When it has been approved by the council of ministers its form is changed into that of an order-in-council, which, however, it really only becomes when it has received the sanction and signature of the lieutenant-

governor. These may always be taken for granted so long as the lieutenant-governor has confidence in his constitutional advisers, though on two different occasions since Confederation political crises have been precipitated by misunderstandings between a lieutenant-governor and his ministers, at times when the latter enjoyed the support of the popular branch of the legislature. As the lieutenant-governor only acts in his official capacity as head of the government on the advice of his ministers, all the appointments to office that he makes and all his executive acts are based upon resolutions of his constitutional advisers.

The volume of business dealt with by the executive council of the province is as varied as it is enormous. It includes the adoption (subject, of course, to the assent of the lieutenant-governor) of proclamations summoning or dissolving the legislature, ordering the issue of writs for general elections or by-elections of members of the legislative assembly, bringing into force legislation that requires such action to supplement and complete the work of the legislature, changing the terms of the law courts and the limits of judicial districts, and erecting new parishes or municipalities and changing the limits of others. The appointment of members of the legislative council and of all permanent officials and members of the Civil Service of the province likewise rests with the lieutenant-governor in council, as also does the appointment of royal commissions under the Great Seal of the province, of justices of the peace, and even of the members of municipal councils and school boards, when vacancies occur therein under certain conditions. In fact, all provincial business whatever of an executive character that cannot be considered strictly departmental, besides very much that is departmental but of sufficient importance to be dealt with by the cabinet as a whole, is decided upon by the executive council, subject in every case to the approval of the lieutenant-governor.

The lieutenant-governor in council, whenever he deems it advisable to cause inquiry to be made into and concerning any matter connected with the good government of the province, the conduct of any part of the public business, the

administration of justice, any matter of importance relative to the public health, or any matter connected with the good government of any municipality of the province, may, by a commission issued to that effect, appoint one or more commissioners for the conduct of such inquiry.

Under the direction of the prime minister, the clerk of the executive council, who has the rank of a deputy minister and exercises similar functions to those of the clerk of the Privy Council of the Dominion of Canada, transmits all recommendations of the cabinet of ministers to the lieutenant-governor for his approval. After they have been received back from the lieutenant-governor as orders-in-council, they are transmitted to the departments responsible for the branches of the public service to which they refer; and also, in cases requiring official registration and publication in the official *Gazette* of the province, to the provincial secretary and registrar for such further action as may be necessary, and as is more fully explained in dealing with the work of that department.

Under the control of the executive council department is the agency-general of the province for the United Kingdom, with office and headquarters in London. The agent-general is subject to the direction of the prime minister. He receives a salary of $6000 a year, and the aggregate of his salary and official expenditure is limited to $11,000 per annum.

Department of the Attorney-General

The attorney-general of Quebec is the chief law-officer of the crown and the official legal adviser of the lieutenant-governor and of all the provincial departments of state. It is his duty to see that the administration of public affairs is in accordance with law, and to exercise a general superintendence of all matters connected with the administration of justice. He has the regulation and conduct of all litigation for or against the crown or any public department, in connection with any subject within the authority or jurisdiction of the government. He has the control and manage-

ment of the judicial organization and of registry offices, and directs the inspection of the offices of the courts and of registry offices and prisons. He has the superintendence of judicial officers and registrars, who are all under this department; and he is charged also with the superintendence of the administration and the execution of the laws respecting the police.

Connected with the department of the Attorney-General is the Quebec Public Utilities Commission, which has general supervision over all public utilities subject to the legislative authority of the province, and conducts all inquiries necessary for the obtaining of complete information as to the manner in which such public utilities as railways, tramways, telegraph, telephone, electric light and power, gas and express companies comply with the law. The commission hears and adjudges complaints by or against these public utilities, and can dictate how their poles, wires or pipes are to be placed or moved, how their services to the public are to be bettered if proved defective, and how their rates must be reduced if not found reasonable.

Department of the Provincial Secretary

Some of the duties devolving upon the department of the Provincial Secretary have been touched upon in describing the work of the executive council. Upon the receipt by that department of orders-in-council signed by the lieutenant-governor, they are immediately registered, and copies of them are transmitted to the particular department, if other than that of the provincial secretary, from which they were recommended to the executive as reports to council. All parties interested in or affected by such orders-in-council are at once notified of their sanction. In the case of a nomination to office, the new appointee is officially notified of his appointment and informed that his commission will be issued to him upon payment of the regular fee required therefor. In the case of proclamations, such as those referred to in the description of the duties of the executive council and of the appointment of public officials, of which it is necessary that the general public be informed, public notice is at once

given in the Quebec *Official Gazette*, the entire control of which publication is vested in the provincial secretary.

The minister at the head of this department is the keeper of the Great Seal of the province, and it is under his authority that this seal is applied to all commissions and other official documents requiring the same. He has charge of the correspondence of the government of the province, and issues all letters patent, commissions and other documents under the Great Seal, and countersigns the same. He also superintends the administration and execution of the laws respecting the municipal system of the province, reformatory and industrial schools, the insane, the inspection of hospitals and other charitable institutions, the incorporation by letters patent of joint stock companies and their voluntary winding-up, as well as those respecting the formation of gas and water companies, telegraph and telephone companies, co-operative associations and companies for commercial purposes.

The secretary of the province is charged also with the annual compilation of the statistics of births, marriages and deaths and the causes of deaths in the province. This information is supplied to the department by the secretary-treasurers of municipalities and also by the protonotaries, with whom duplicate registers of civil status are annually filed by those who are empowered to keep them. One of the most interesting branches of the department is that of the Archives, which contains a number of state documents and title-deeds dating from the time of the French régime.

All letters patent issued by the department of Lands and Forests are registered by the provincial secretary, who then, after endorsing and signing on them a certificate of such registration, returns them to the minister of Lands and Forests, to be forwarded by him to the persons for whom they are intended. The issue of such deeds or letters patent is annually reported by the provincial secretary to the secretary-treasurer of each municipality and also to the registrar of the registration division within which they have force.

The king's printer is an official of the department of the Provincial Secretary, and superintends the printing and

publishing of the statutes of the province as well as of the Quebec *Official Gazette.*

Large numbers of joint stock companies are annually incorporated by letters patent granted by the lieutenant-governor and issued from the department of the Provincial Secretary, at a comparatively small expense when compared with the cost of obtaining a charter of incorporation from the legislature. The method of obtaining these letters patent is quite simple, and they are granted for any of the purposes or objects to which the legislative authority of the province extends, except the construction and working of railways or the business of insurance. These charters may be obtained by any number of persons, not less than five, who petition therefor, setting forth the proposed corporate name of the company, which must not be that of any other known company, or any name liable to be confounded therewith, or otherwise on public grounds objectionable, and also stating the purposes for which incorporation is sought, the place within the province that is to be the company's chief place of business, the proposed amount of capital stock, and the names of the provisional directors.

Treasury Department

The provincial treasurer has not only the management and direction of the Treasury department but advises the crown in financial matters, especially as to the receipts and expenditure of the government, and is charged with the preparation of the budget and the proposing of ways and means. He superintends, controls and manages everything connected with the financial affairs of the province so far as they have not, by law or order-in-council, been assigned to another department of the government. He controls and directs the general deposit office of the government, superintends the execution of the laws respecting insurance companies and mutual benefit and charitable societies, and controls and directs the inspection of such companies and societies.

The most important fund under his control is that of the

Consolidated Revenue, appropriated for the public service of the province and consisting of all revenue, from whatever source, over which the legislature has power of appropriation. Trust funds and a special fund for the payment of the public debt are also administered by this department. The former consist largely of special deposits made with officials of the law courts by litigants and others, of deposits made directly with the department of the Provincial Treasurer by mutual insurance companies, and of the teachers' pension fund, etc.; while the latter is derived from the sale of property that has devolved on the crown by escheat, and also from the disposal of certain limited portions of the crown domain. This fund cannot be used for the ordinary services of administration, but is specially invested by the treasurer.

One of the most important branches of the Treasury department is the Audit, of which the head is the auditor of the province—an officer clothed with very extensive powers. No money warrant, except under emergent and unforeseen circumstances, and then only on the authority of the lieutenant-governor himself, can issue, except upon the certificate of the auditor that there is legislative authority for the expenditure. He signs all recommendations for the issue of these money warrants, as well as all cheques issued by the Treasury department under authority of the warrants or special warrants of the lieutenant-governor in council.

In illustration of the above the cases of departmental appropriations may be cited. The moneys likely to be required for all departmental purposes are voted by the legislature at the session immediately preceding each fiscal year of the province, which year commences on July 1 and ends on June 30. The bulk amount voted to each department is not, however, automatically at the disposal of such department on July 1. It may be that the entire year's appropriation is not available in the Treasury before any of the year's revenue has been collected. At all events, application is made from time to time for such portion of it as the accountant of the department requires for a more or less limited period, and when the auditor and the assistant treasurer have respectively certified that such amount is

within the existing legislative appropriation and available for the purpose, a warrant, signed by the lieutenant-governor or by one of his deputies appointed for this special purpose, is issued, drawn upon the provincial treasurer, whose department at once places the specified amount to the credit of the particular service mentioned in the money warrant.

Special warrants for emergent and unforeseen expenditure are issued at the discretion of the lieutenant-governor in council, upon the report of the treasurer that there is no legislative provision for such outlay, and when the minister having charge of the particular branch of the service for which it is required certifies that the necessity is urgent; and all such special warrants, as before mentioned, must be signed by the lieutenant-governor himself.

It is the duty of the auditor to examine, with the vouchers, on behalf of the legislative assembly, the statements of public accounts relating to the receipts and expenditure of the province, subsequently returning them to the provincial treasurer, who lays them before the assembly at its next session. He must also report to the legislative assembly, through the provincial treasurer, any cases in which it appears to him that an appropriation has been exceeded or that any other irregularities have occurred in any payments made.

There is a Treasury Board, composed of the treasurer, the minister of Lands and Forests and the attorney-general, to examine into and to report upon all matters referred to it by the provincial treasurer, and it has authority, on the report of the auditor, to make, amend and repeal regulations respecting the method of book-keeping to be used in the departments and by the sub-accountants of the province, and respecting the issuing of warrants and the accounting for public moneys. It may also decide upon the auditor's objection, for any reason other than that there is no legislative authority, to certify that any particular warrant may issue, and may either sustain him or order the issue of the warrant at its discretion.

To provide more efficiently for the control and collection of the provincial revenue, a special branch of the Treasury department, called the Revenue branch, has been estab-

lished, with an official at its head styled the comptroller of Provincial Revenue. In connection with the work of this branch there are a number of outside revenue officers and an inspector. The enforcement of the licence law, and the collection of licence fees and taxes, are among the duties of the officials of this branch. The details of the different taxes are shown in the article on the finances and taxes of Quebec.[1]

The issue of marriage licences is under the management of the Treasury department. All these licences are signed by the lieutenant-governor, and are issued, by agents appointed for the purpose by the lieutenant-governor in council, to those requiring them, who shall previously have given a bond, together with two sureties, being householders, in the sum of $800, that there is no lawful let or impediment to the proposed marriage. The licence costs eight dollars —of which six dollars belongs to the province and two dollars to the issuer of the licence—and by law is full and sufficient authority for the performance of the marriage ceremony in this province by a minister of any religious denomination other than the Roman Catholic Church.

Department of Lands and Forests

The minister of Lands and Forests has the oversight, control and management of everything connected with the administration and sale of the public lands belonging to the province and of the timber and forests thereon. The National Parks and Forest Reserves are also under his control. The magnitude of the public trust placed in the hands of the minister at the head of this department will be grasped by a perusal of the article in this work descriptive of the forests of Quebec.[2] The minister and the officials of this department have charge of all the details connected with licences for the cutting of timber, the collection of stumpage dues, rentals, etc., and with the enforcement of laws concerning protection of forest land from fire.

For the better management of the crown lands of the

[1] See ' Provincial Taxation and Finance ' in this section.
[2] See ' Forest Resources of Quebec ' in this section.

province most of its territory is divided into agencies and sub-agencies, in charge of agents or sub-agents of the department. These agents, thirty-five in number, have charge of the sale of lots to settlers for purposes of colonization, and at the disposal of the settlers there are usually from six to seven million acres of surveyed lands suitable for agriculture. Only one lot of a hundred acres can, as a rule, be sold to the same person. He pays from twenty to sixty cents per acre for the land and is furnished with a temporary and conditional title to the property, called a 'location ticket,' in exchange for which he may obtain in five years a perfect title, known as a 'patent,' but only upon furnishing proof of his fulfilment of the conditions of settlement, which include continued residence on the land in question, the erection of stipulated buildings, and the clearing and cultivation of fifteen acres of land. During the year ending June 30, 1911, 116,893 acres were sold to settlers, and 1467 deeds of ownership were delivered to farmers who had performed their settlement duties. It is right to say, however, that this number is some five hundred in excess of the average number of patents given during any similar period for the past twenty years. In the two following years, ending June 30, 1912, and June 30, 1913, the numbers of these patents were 1912 and 1951 respectively. The deeds are all issued through the office of the provincial secretary, who keeps a register of them, as already mentioned in the description hereinbefore given of the duties of his office.

The control of lumbering operations upon the crown lands of the province is one of the most important duties of the department. The right to cut timber thereon is sold at auction. For this purpose the department offers for public competition from time to time the lease of certain blocks of land at an upset premium, or 'bonus' as it is called, per mile. The blocks of land so conceded are known as 'timber limits.' The acquirer of the limit must pay the bonus in cash at the time of adjudication, and, thereafter, an annual ground rent of five dollars per square mile at each yearly renewal of his lease. In addition to the ground rental, holders of timber licences must pay stumpage dues

to the government for all timber cut upon their limits, and must report under oath to the department the entire cut annually.

The outdoor or forestry service of the department has recently been thoroughly reorganized and entrusted with the oversight of all lumbering operations in the province, which has been divided into fourteen districts for the purpose of such organization. The forestry school of Laval University is under the auspices of the department, which has also under its control the newly established forest nursery at Berthierville, which serves as an experimental school; there is also a system of protecting the forests against fire, which consists largely of the enforcement of the protective legislation of the province by the fire wardens, who are paid by the limit-holders and are under the direction of a departmental superintendent.

Department of Agriculture

The minister of Agriculture and Roads has the control and management of everything connected with agriculture in the province, including the agricultural schools and colleges and model farms receiving government grants, permanent exhibition committees, agricultural and horticultural societies and farmers' clubs, and also of the roads.

For the purpose of advising on all measures calculated to ensure the efficient management of agricultural societies and of promoting agricultural and industrial progress in the province, there is a Council of Agriculture of twenty-four members, of which the minister and deputy minister of Agriculture and the superintendent of Public Instruction are members, the remaining twenty-one members being appointed by the lieutenant-governor in council from amongst the farmers and agriculturists of note in the province. This body, with the approval of the lieutenant-governor in council, and jointly with the federal government, takes means to ensure the worthy representation of the province at any Dominion or foreign exhibition. It seeks to promote and improve agricultural instruction, provides for competitions

in the cultivation of farms and standing crops, encourages by special prizes the cultivation of certain varieties of plants and grains, and adopts measures for the introduction of animals of superior breed, of new varieties of seed grain, of vegetables or other agricultural produce, of new and improved agricultural implements, etc. It has established pedigree books for the different breeds of farm stock introduced into the province, and especially for Canadian cattle and Canadian horses, as well as a 'Golden Register' of the best milch cows in the province, as determined by their yield in milk and butter. The department publishes an agricultural journal which has nearly eighty thousand subscribers.

Department of Roads

What was formerly the Roads branch of the department of Agriculture has been formed into a department of Roads, with a deputy minister in charge, subject to the former minister of Agriculture, who is now called minister of Agriculture and Roads. In 1906 the amount expended on roads by the department of Agriculture was $9961, while $1,069,810.35 was expended by the government on road work for the fiscal year 1912-13, and $1,592,392.57 for the portion of 1913-14 ending on October 15, 1913. For the fiscal year 1912-13 no less than $350,000 has been voted for this object, besides which the government has been authorized by special legislation to borrow up to $10,000,000 for the improvement of roads on condition that the municipalities entrusted with the care of such roads pay an annual interest of two per cent per annum during forty-one years on the sums allotted to them, the balance of the interest and the sinking fund being provided by the government, which uses for that purpose, together with other moneys, the amount of the licence tax levied on automobiles.

Department of Colonization, Mines and Fisheries

The minister of Colonization, Mines and Fisheries controls and manages everything under provincial jurisdiction

connected with colonization, immigration and emigration, colonization works and roads, the administration and sale of mining lands, the fisheries that are within the jurisdiction of the province, and the carrying out of the game laws.

From $200,000 to $300,000 are annually expended for colonization, chiefly on the making of new roads and bridges in recently opened-up colonization districts. The division of this amount rests with the minister, whose officers are charged with the inspection and superintendence of the work to which it is allotted.

Mining in Quebec is being rapidly developed. From $3,750,300 in 1905 the mineral products of the province increased in value to $11,187,110 in 1912. The mining laws are favourable to prospectors. A miner's certificate, costing ten dollars, gives the bearer the right to prospect on all lands on which the mines belong to the crown, and to stake claims up to a maximum area of two hundred acres. After staking his claims he must record them at the department. At the end of six months, in order to conserve his rights, the prospector must take out a mining licence costing fifty cents per acre, and pay in addition a fee of ten dollars per annum; twenty-five days' labour is also required to be done annually for each claim of forty acres under licence. This permit is renewable indefinitely on the same conditions, or the lands may be bought out in fee-simple.

From $110,000 to $120,000 revenue is annually derived by the department for fish and game privileges, while the total outlay of visiting anglers and hunters is well in excess of a million dollars a year. The department leases fishing and hunting privileges over certain sections of the country, and collects angling and hunting licence fees from all non-resident sportsmen coming to fish and hunt in this province. The laws for the protection of fish and game are also enforced by this department.

The Department of Public Works and Labour

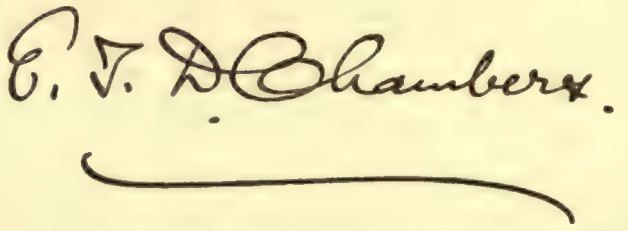
The minister of Public Works and Labour has the management, custody and control of all public works, immovables

and public buildings belonging to the province, exercises control over the property of all railways built or subsidized by the government in virtue of provincial laws, has the management of the construction, maintenance and repair of the public buildings, bridges, roads, and other public works constructed or maintained by the province, controls the collection and publication of statistical and other information relating to the conditions of labour, institutes and controls inquiries into important industrial questions and those relating to manufactures, and has the supervision of all proceedings under the Quebec Trades Disputes Act. The Council of Arts and Manufactures and the Mechanics' Institutes are also under his control. Large sums have been expended by this department in recent years in the construction of iron bridges, the vote for this purpose for the fiscal year 1912-13 being $150,000. The abolition of various toll gates on turnpike roads is also being undertaken by this department.

Department of Public Instruction

The department of Public Instruction is supervised by the provincial secretary, who represents it in the legislature. There is no minister of Education, the head of the educational system in the province being the superintendent of Public Instruction. The department has a French secretary and an English secretary, who are by law the deputy heads and represent respectively the Catholic and Protestant schools of the province. The local administration of school affairs is confided to commissioners and trustees, the former representing the majority in religion of the ratepayers of the school municipality and the latter the minority. These are elected by the ratepayers, who pay school rates to the school board of their own religious faith, Roman Catholic or Protestant—as the case may be. Contributions by ratepayers and from school fees, etc., amounted in 1912 to $6,212,440, and the government grant, which was only $483,460 in 1904-5, was $1,202,029 in 1912, with a substantial increase in 1913. In 1912 there were 6856 schools of various kinds in the

province, attended by 422,615 pupils. The approval of text-books, etc., and the organization, administration and discipline of public schools rests with the Council of Public Instruction, consisting of Roman Catholic and Protestant members, who in the performance of their duties are subject to the orders and instructions of the lieutenant-governor in council. The council is divided into two committees, Roman Catholic and Protestant. The former consists of the Roman Catholic bishops and an equal number of Roman Catholic laymen appointed by the lieutenant-governor in council; and the Protestant committee consists of Protestant members, equal in number to the lay members of the Roman Catholic committee and also appointed by the lieutenant-governor in council. These committees usually sit separately and meet three or four times during the year.



PROVINCIAL TAXATION AND FINANCE

PROVINCIAL TAXATION AND FINANCE

Revenue and Expenditure

WHEN the Province of Quebec entered, in 1867, upon its independent career as one of the provinces of the Canadian Confederation, it was provided by the British North America Act that for the support of its government and legislature Canada should pay annually to it the sum of $70,000, besides a yearly grant equal to eighty cents per head of the population as ascertained by the census of 1861.

Within a comparatively short time, however, the insufficiency of the financial provisions made by the Fathers of Confederation for the maintenance of the government and public service of the Province of Quebec became apparent. While the budget of expenditure for 1868, the first year after Confederation, was but $1,183,238, it increased steadily in succeeding years; in 1870 the expenditure was $1,584,145; in 1873 it had reached $1,731,838; in 1876, $3,872,850; in 1901, $4,684,974; and for 1912-13, $9,287,769.

The outstanding consolidated debt of the province had grown to $15,964,876.67 by December 31, 1882, to $18,233,853 in 1885, and by June 30, 1901, was well over $34,000,000.

The last year for which, at the time of writing, the complete details of the financial operations of the province are available is that from July 1, 1912, to June 30, 1913. The outstanding funded debt of the province at the end of that financial year was $24,759,798.82. Other direct liabilities of the province, exclusive of the funded debt, amounted, on June 30, 1913, to $2,709,458.

There were no annual deficits in the finances of the pro-

vince between 1867 and the fiscal year 1874-75. In fact, for the first years after Confederation, there were repeated surpluses of receipts over expenditure—that for 1867-68 amounting to $352,598.22. The old order changed, however, in the middle of the seventies. The Hon. J. S. C. Würtele, in his budget speech of May 15, 1882, claimed that the financial operations of the province for the four fiscal years immediately prior to June 30, 1881, showed an average annual deficit of $589,723.78, and calculated that, notwithstanding the surpluses of the first seven years after Confederation, the statement of provincial accounts for the first fourteen years after Confederation showed total receipts of $29,580,334.45 and a total expenditure of $30,295,440.41, leaving a net deficit of $715,105.96. Assuring the house of the impossibility of preventing further deficits unless something were done to increase the revenue of the province, Würtele thereupon suggested the imposition of direct taxation upon commercial corporations, including banks, insurance, loan, navigation, railway, telegraph, telephone and other incorporated companies. His plan was adopted, and the direct taxation of commercial corporations by the government of Quebec has been continued, with certain modifications, down to the present day.

Provincial Expenditure on Railways

In contemplating the growth of Quebec's public debt from 1874, when the first provincial loan, that of £800,000 sterling, was negotiated, until 1905, when the consolidated debt alone amounted to $34,684,685.48, it is necessary to take into consideration the large sums contributed by the province during the intervening years to the work of railway construction. In payments to subsidized and government railways, from 1874 to 1913 inclusive, the province expended no less than $26,811,078.37. Of this total the sum of $13,986,490.14 went towards the construction of the Quebec, Montreal, Ottawa and Occidental Railway, which is to-day the property of the Canadian Pacific Railway Company, forming practically the main line of that com-

pany's road from Quebec to Montreal and from Montreal to Ottawa, on the Quebec side of the Ottawa River. By the sale of this railway the province received back the sum of $7,600,000. An additional amount of $250,000 included in the total payments to railways was paid towards the construction of the Quebec bridge over the St Lawrence; but after the collapse of this bridge, in 1907, this sum was returned to the province by the Dominion government, which has itself undertaken the re-erection of the bridge. The province also received from the Dominion the federal grant of $2,394,000 towards the construction of the Quebec, Montreal, Ottawa and Occidental Railway.

Some fifty different railway enterprises have profited by the provincial expenditure, the largest subsidies paid to individual roads, leaving aside the cost of the construction of the Quebec, Montreal, Ottawa and Occidental Railway, having been to the Quebec and Lake St John, $2,419,872.73; to the Quebec Central (formerly the Lévis and Kennebec) and its branches, $1,076,123.14; to the Baie des Chaleurs, $1,045,529.61; to the Ottawa and Gatineau Valley, $780,752; to the Great Northern, $566,260; to the Pontiac and Pacific Junction, $536,000; to the Montreal and Western, $533,760; to the South Eastern, $497,007.10; and to the International, $395,315.80. Before Confederation Quebec had but 575 miles of railway; from 1867 to 1902, covering the period of provincial subsidies to railways, no less than 2910 additional miles of road were constructed.

It was, however, in 1875 and the years immediately following that the policy of subsidizing railways began to assume large proportions and to play an important part in the politics of the province. In 1877 the government expenditure on railways was $3,481,670.24; in 1878 it was $2,610,594.82; in 1879, $2,303,749.06; and in 1881, $2,422,794.70. More than 75 per cent of all these amounts, however, went into the construction of the Quebec, Montreal, Ottawa and Occidental Railway, and $464,486.81 (in 1878) was the highest sum paid out in subsidies to the independent roads in any of those years. Later on the following large payments were made in railway subsidies, altogether

apart from the building of the government-owned road: $648,275.30 in 1888, $1,049,847 in 1889, $327,117.97 in 1890, $885,255.99 in 1891, $744,267.49 in 1892, $841,085.36 in 1893, $928,449 in 1894, $848,910 in 1895, $250,186.59 in 1896, and $1,339,857.23 in 1897. Since 1897 the payments of subsidies to railways have been comparatively small.

Provision was made in 1891 for the gradual repayment by the railway companies of the subsidies received by them from the province. By the terms of the act 54 Vict. cap. 88, a sum equal to one-half of one per cent of the amount of any subsidy paid by the province to aid in the building of a railway was to be levied and imposed each year on such railway, to be payable to the provincial treasurer by the company, corporation or person owning, having in possession or operating such railway, by two equal half-yearly instalments; and ten years later it was provided that, in lieu of one-half of one per cent on the total amount of subsidies, the amount to be annually contributed by the railways for the repayment of such subsidies should be five per cent upon the net earnings of such subsidized railways, as established by returns required to be made by them. The amount so paid by the railways for the fiscal year ended June 30, 1913, was $118,671.36.

An Era of Surpluses

That there has been a very material improvement in the condition of the provincial finances during the last few years is shown by the growth, since 1906, of the annual surpluses of revenue over expenditure. In that year the ordinary receipts were $5,340,166.88, ordinary expenditure $5,012,417.74, surplus $327,749.14; for 1906-7 the ordinary revenue was $5,270,594.74, ordinary expenditure $4,691,250.42, surplus $579,344.32; in 1907-8, ordinary revenue $6,016,615.77, ordinary expenditure $4,939,919.06, surplus $1,076,696.71; in 1908-9, ordinary revenue $6,082,187.39, ordinary expenditure $5,441,880.22, surplus $640,307.17; in 1909-10, ordinary revenue $6,571,944.27, ordinary expenditure $5,480,590.26, surplus $1,091,354.01; in 1910-11, ordinary revenue $7,032,744.99, ordinary expenditure $6,126,834.95, surplus $905,910.04; in

1911-12, ordinary revenue $8,070,109.19, ordinary expenditure $7,022,796.26, surplus $1,047,312.93; in 1912-13, ordinary revenue $8,382,737.13, ordinary expenditure $7,612,161.66, surplus $770,575.47.

Main Sources of Revenue

The increase in the revenue during recent years is due to a variety of causes. The modification and readjustment of the federal subsidies to the provinces in 1907, which were largely due to the agitation led by Sir Lomer Gouin on behalf of the Province of Quebec, brought an annual increase of $599,865.60 to the income of the province. Prior to the readjustment of 1907 the subsidy was always based upon the census of 1861. It is now revised after each decennial census, and, as that of 1911 showed an increase in the population of this province from 1,648,898 to 2,002,712, the Dominion subsidy to Quebec, which prior to 1907 was only $959,252.80 and which was then increased to $1,559,118.40, will for the next ten years be $1,842,169.60 per annum.

A new tax upon stock exchange operations was imposed in 1906, and increased rates of stumpage upon timber cut on crown lands came into effect in 1911. In addition to the increased revenue thus created, the rapid extension of the trade and commerce of the province has accounted for very largely increased receipts by the government in recent years from the taxes on commercial corporations, and from licences, etc.

The principal sources of revenue for the fiscal year ended on June 30, 1913, in addition to the federal subsidy, were: lands and forests, which yielded $1,760,466.25; duties on successions, $1,064,108.60; licences, $944,446.21; taxes on commercial corporations, etc., $940,590.91; law stamps, $327,911.60; registration stamps, $250,907.40; municipal contributions to lunatic asylums, $213,979.72; fisheries and game, $117,985.38; taxes on transfers of shares, bonds, etc., $70,793.90.

Chief Items of Expenditure

Owing chiefly to the largely increased expenditure for public instruction and good roads, the provincial outlay is keeping pace fairly well with the increased revenue. For 1912-13 the largest items of expenditure were: public debt, $1,071,537.74; legislation, $388,339.32; civil government, $530,928.22; administration of justice, $973,349.86; reformatory and industrial schools, $89,000; public instruction, including night schools, $1,383,415.31; agriculture, $1,001,936.65; colonization, $223,913.60; immigration, $15,670.64; health, $38,500; public works and buildings (ordinary) $227,515.68, (extraordinary) $341,823.33; labour, $37,105.42; lunatic asylums, $552,968.56; charities, $59,625; lands and forests, $327,383.39; mines, fisheries, game and registration service (*cadastre*), $86,318.46; charges on revenue (including payments by sheriffs out of collections), $274,094.51; new gaol for the district of Montreal, $494,452.89.

Provincial Taxation

It is claimed that only about two-fifths of the provincial revenue is derived from taxation. Of the total sum of $8,382,737.13 paid into the treasury for the twelve months ended on June 30, 1913, it is computed that only $3,247,005.97 came from taxation of all kinds; this sum, divided among the 2,002,712 people credited to the province by the last census, means a total *per capita* taxation for provincial purposes of $1.62. These taxes are collected in licences of various forms, taxes on commercial corporations, etc., duties on successions, taxes on transfers of shares, bonds, etc., law and registration stamps, and licence fees on motor vehicles.

Licences are necessary in the Province of Quebec for the sale of intoxicating liquors, whether wholesale or in hotels, inns, bars, shops, steamboats or on railway trains; they are also necessary for auctioneers, pawnbrokers and pedlars, and to keep a loan office, to keep any billiard-table or bowl-

ing-alley for gain, to sell gunpowder, or to give any equestrian show or exhibition of wild animals known and designated as a circus or menagerie. The amount collected from these licences for the fiscal year ended on June 30, 1913, was $944,446.21.

The cost of most of these licences is graded. For the right to sell liquor in hotels or restaurants in Montreal the annual licence costs from $400 to $1500, according to the rental value of the premises occupied by the holder. In the city of Quebec the cost of a similar licence is from $300 to $1550. In the other cities of the province the licence costs from $250 to $600, according to the number of licences issued in the place; in towns the cost ranges from $200 to $450, and in villages from $150 to $200. Licences for retail liquor shops cost from $300 to $450 in Montreal, from $250 to $400 in Quebec, and from $125 to $200 in other parts of the province. A wholesale liquor licence granted to a distiller costs $1000. Other wholesale liquor licences run from $200 in the country districts to $550 in Montreal. Club licences cost from $100 to $400, railway-buffet licences from $120 to $800, and a steamboat bar licence $300. For selling intoxicating liquors on commission by sample the licence fee is $350, provided that no stock is carried by the licencee in bond or otherwise: in any other case such licencee is charged the same duty as for a wholesale liquor licence. Brewers pay $750 for the licence for their chief establishment or agency in the Province of Quebec and $90 for each other agency, and beer bottlers not being brewers, from $90 to $125. Ten dollars must also be paid for each vehicle used by brewers or bottlers. For each licence to sell liquors for medicinal purposes or for use in divine worship, in municipalities where a prohibitory by-law is in force, the cost is from $70 in the country to $200 in the cities. For a licence authorizing a licensed auctioneer to sell intoxicating liquors by auction the cost is from $10 to $30 per day. For the licence to keep a temperance hotel the charge is $50 in Montreal and $5 to $10 in other parts of the province.

Applications for licences for the sale of intoxicating liquors must be approved by the councils of the munici-

palities in which they originate, except in the cities of Montreal and Quebec, where the Boards of Licence Commissioners, which are appointed by the lieutenant-governor in council, pass upon the applications in question, after taking into due consideration the characters of the applicants and hearing any complaints against them, and the grounds of any opposition offered to the issue of the licences. In all the cities and towns of the province the number of licences that may be issued is limited by law. In some instances the limit fixed by recent legislation is that to which the existing number of licences is to be reduced as opportunity offers. This reduction in number is being gradually effected by refusal to issue new licences in the place of those expiring by cancellation for cause, or in any other manner. As these reductions occur, the cost of the remaining licences in the same city or municipality is increased, thus preventing a loss of revenue to the province resulting from the endeavour to meet the growing demand for a reduction in the number of liquor licences.

The charges for licences other than for the sale of intoxicating liquors are mainly as follows :

Auctioneers : $130 in Montreal and Quebec and from $30 to $100 elsewhere in the province.

Pawnbrokers : $1000 in Montreal, $500 in Quebec, $250 elsewhere.

Pedlars : $50, with an additional $150 for the right to peddle in Montreal or Quebec ; also $50 for one vehicle and $10 for each additional one.

Billiard-tables : from $25 to $60.

To sell gunpowder : $2 to $30.

To exhibit a circus or menagerie : $500 per day within three miles of Montreal or Quebec and $30 for each side show ; and $200 and $15 respectively per day for all other parts of the province.

Bowling-alleys : $25 in cities and towns and $10 elsewhere.

Loan offices : $200 in Montreal, $150 in Quebec, $50 elsewhere.

Non-resident broker's semi-annual licence : $500.

Agents of foreign brokers : $2000.

Other departments than that of the provincial treasurer issue certain licences, such as the timber licences issued by the department of Lands and Forests, and the fish and game licences by that of Colonization, Mines and Fisheries. These are more fully described in the articles dealing with the working of these departments.

The taxes upon commercial corporations are, briefly, as follows :

Incorporated companies pay one-eighth of one per cent upon the amount of the paid-up capital, with an additional tax of $30 for each place of business, factory or workshop in the cities of Montreal and Quebec, and of $15 for each place of business, factory or workshop in every other place.

Banks pay $100 on every $100,000 of the paid-up capital up to $1,000,000 inclusive, and $50 for each $100,000 or fraction thereof of the paid-up capital over $1,000,000 ; also $200 on each head office or chief place of business in each of the cities of Montreal and Quebec ; $150 on each other office or place of business in each of the said cities ; and $30 on each office or place of business in any other place.

Life insurance companies are taxed one and three-quarters per cent, and all other insurance companies, excepting those doing a marine business, a tax of one per cent upon the gross amount of premiums for insurance or reinsurance effected or renewed by such companies in the province during the preceding calendar year, but the said tax must not be less than $400 in the case of life insurance companies or $250 in the case of every other company, except in the case of mutual fire insurance companies which receive premiums in cash, the tax upon such companies being calculated upon the gross premium received on business transacted by them in the province during the preceding calendar year. Marine insurance companies pay a tax of $250 on every person, firm or company engaged in carrying on the business of marine insurance as principal agent or broker.

Loan companies are taxed according to capital, from $100 to $400 and upwards, and in addition to such tax pay from $50 to $100 for each office in Quebec and Montreal, accord-

ing to capital, and $25 to $50 for offices elsewhere in the province, according to the importance of the town in which such office is located.

Navigation companies are taxed one-tenth of one per cent on the amount of the paid-up capital up to $500,000 inclusive, and $50 for each additional $100,000 of capital or fraction thereof, with an additional $50 for the chief office in each of the cities of Montreal and Quebec, and $20 for offices elsewhere.

Telegraph companies pay a tax of $1000 each, and telephone companies from one-tenth of one per cent upon the amount of paid-up capital if it be $50,000 or less up to a tax of $5000 upon companies having a capital of more than $2,000,000.

Express companies foreign to the province pay a minimum tax of $800, and a maximum of one-half of one per cent on the gross earnings in the province. Additional taxes of $50 are levied for each place of business in Montreal and Quebec, and of $20 for such places of business elsewhere.

City passenger railway or tramway companies are charged $50 for each mile of single track and $100 for each mile of double track in operation.

Railway companies pay $30 per mile for one track on each main line, whether steam or electric, and $15 per mile for each additional track. Upon branch lines the taxes are $20 and $10 per mile respectively.

Sleeping or parlour car companies pay one-third of one per cent upon the capital invested in the rolling stock used in the province, and $50 office tax in Montreal and Quebec, together with a $25 tax on each office elsewhere in the province.

Trust companies are charged one-fifth of one per cent upon the paid-up capital up to $1,000,000 inclusive, and $25 for each additional $100,000 or fraction of $100,000, with $50 for each place of business in Montreal and Quebec, and $20 for each office elsewhere in the province.

Partners, associations, firms or persons whose chief office or place of business is outside Canada, not otherwise taxed under any provisions of the law concerning taxes on commercial corporations, have to pay one-half of one per

cent upon their gross earnings in the province during the preceding calendar year, with a minimum of $50, and also an additional tax of $50 for each office in Montreal and Quebec, and of $20 for each office elsewhere.

The tax upon transactions on the stock exchange, etc., is two cents for every $100 or fraction thereof of the par value of all shares, bonds, debentures or debenture stock sold, transferred or assigned; first issues are exempt, however.

Duties of successions are calculated upon the value of the property transmitted, after deducting debts and charges existing at the time of death, and when the transmission (owing to death) is in the direct line either ascending or descending, or between consorts, or between father-in-law or mother-in-law and son-in-law or daughter-in-law, no tax is exigible on estates that do not exceed $15,000 after deducting the debts and charges due at the time of death. Up to April 1912 such exemption only applied to estates of $5000 net and under.

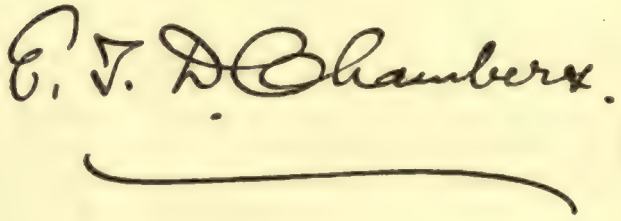
On all estates of over $15,000 but not exceeding $50,000 the tax is 1¼ per cent on all value over $5000. On estates of over $50,000 but not exceeding $75,000 the rate is 1½ per cent on the excess of $5000, increasing to 2 per cent on such excess in the case of estates from $75,000 to $100,000, to 3 per cent when amounting from $100,000 to $150,000, 4 per cent from $150,000 to $200,000, and 5 per cent on estates valued at over $200,000. When the whole estate passes to one person there is an additional tax of 1 per cent on estates valued from $100,000 to $200,000, the rate gradually increasing to an extra tax of 3 per cent on estates exceeding $800,000 in value.

In the collateral line the taxes are much higher. When the succession devolves to a brother or sister or descendant thereof, the tax is 5 per cent on estates not exceeding $10,000 and 5½ per cent on others. In some other collateral cases the rate runs to 8 and 9 per cent respectively, and strangers pay a rate of 10 per cent on their legacy. Legatees in the collateral line or strangers inheriting estates valued at over $50,000 pay an additional tax of from 1 to 5 per cent, according to the value of their legacy.

On automobiles the taxes are $5 for every motor vehicle used solely for commercial purposes, and the same rate for every other motor vehicle of 25 horse-power or less. Those from 25 to 35 horse-power pay $10, from 35 to 50 horse-power $15, and those over 50 horse-power $20. A chauffeur's licence costs $5 annually.

Municipalities are required to pay the government fifteen cents per day towards the support of prisoners from within their limits committed as loose, idle and disorderly persons, or as vagrants, or for contraventions of the Municipal Code and offences against municipal charters or by-laws.

The revenue received by the province during the last few years from the stamps that are required to be affixed to all wills, deeds of purchase and mortgage, papers employed in legal processes and for the registration of deeds, etc., has been well in excess of $400,000, and for the fiscal year ended June 30, 1913, amounted to $578,819.



THE CIVIL CODE AND THE JUDICIAL SYSTEM

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I

THE LEGAL SYSTEM OF QUEBEC

THE two great legal systems which between them cover the countries of Christendom—the civil law, derived from the law of Rome, and the common law, based on the customary law of England—are both represented in Canada.

In the maritime provinces of Nova Scotia, New Brunswick and Prince Edward Island the view adopted by the courts and declared by the Nova Scotia Act of 1759[1] is that these provinces were from the beginning English settlements, and that thither, as to the other American colonies, the colonists brought with them all the common and statute law of England applicable to their situation and condition at the time of the settlement.[2]

When Ontario, under the name of Upper Canada, was carved out of the old Province of Quebec, its first legislative act was to abrogate the French law within its territory and to substitute the laws of England as they stood on October 15, 1792.

In the other province created before Confederation, namely British Columbia, the English law was taken over as it existed on November 19, 1858, and in Manitoba, Alberta, Saskatchewan, and in the Yukon Territory the date of the reception of English law is July 15, 1870. In eight out of

[1] 33 Geo. II, cap. 3.

[2] Uniacke v. Dickson, 1848, James's Rep. 287 (Nova Scotia); The Queen v. Porter, 1888, 20 Nova Scotia Rep. 352.

the nine provinces of Canada, therefore, the English law prevails, while the Province of Quebec is still governed by the civil law.

Although it is no part of the scheme of the present work to give an account of the laws of Canada, the special position, from the legal point of view, of the Province of Quebec ought not to be passed over in silence. For an intelligent study of Canada and its provinces it is essential to bear in mind that Canada as a whole is not governed by one homogeneous body of laws. Accordingly in this chapter the history of the law of Quebec will be so far given as to make it clear in what respect that province possesses a legal system peculiarly its own, and the succeeding chapter will be devoted to explaining the organization of the courts by which that system of law is administered.

It should, however, be stated at the outset that, though the law of Quebec differs from that of the other provinces, this is only true of some parts of the code, while there are certain branches of the law which are the same for all parts of the Dominion.

In the first place, the criminal law of the whole country is the criminal law of England. The French criminal law, which was in force under the old régime, was abrogated by the Conquest *ipso facto*, or, if there is any doubt upon that point, was abolished by Murray's ordinance of 1764. Before Confederation it was of course competent for any province to make by statute such modifications in the criminal law as might be desirable. It was, however, removed altogether from the legislative jurisdiction of the provinces by the Confederation statute which transferred it bodily to the parliament of the Dominion. Since then it has been codified in the Criminal Code of Canada, which came into force on July 1, 1893, and has since undergone a complete revision. It must not be forgotten, notwithstanding, that in principle the English criminal law was introduced *en bloc* into Canada at the Cession or by General Murray, and that the Criminal Code does not repeal the whole of the old criminal law. Acts which are criminal by what may be called the criminal common law of England are still punishable in Canada

unless it has been otherwise declared in express terms or by reasonable implication in Canadian legislation. For example the offence of champerty is still known to the law, though the Criminal Code does not mention it.[1]

In the second place, it is generally agreed that there are certain rules of law and especially certain rights and privileges of the subject that belong to public and not to private law. As a part of the constitutional law of the British Empire they are the same in all sections of it, and therefore the same in the Province of Quebec as in the rest of Canada. It can hardly be disputed, for example, that such charters of liberty as Magna Charta or the Bill of Rights formed a part of the law of Quebec as soon as the English sovereignty was introduced. It will be necessary to return to this matter, seeing that the line of demarcation between public and private law is in some cases by no means easy to draw. For the moment it is sufficient to state that where a question is one which belongs to the public law it is the law of England that must supply the governing principle, and upon such matters the law of Quebec does not differ from that of Ontario or of any other province of Canada.

Thirdly, there is a large and important group of subjects with which the legislature of Quebec would have been competent to deal—subjects in regard to which the law of Quebec was or might be different from that of the other provinces—which were by the British North America Act, 1867, transferred to the parliament of the Dominion which that statute called into existence. Most of these subjects—for example bills of exchange, naturalization, banks, patents and so forth—have been dealt with by federal statutes of a codifying character.

When, therefore, we speak of the law of Quebec as a peculiar and separate legal system, we refer entirely to those parts of that law which do not belong to the criminal law, to public law, or to any subject that belongs to federal authority. To use the time-honoured formula, it is the law of 'property and civil rights,' but subject to the reserve that some of the

[1] Meloche *v.* Deguire, 34 Can. S.C.R. 24; The King *v.* Cole, 1902, 5 Can. Crim. Cases, 330.

subjects formerly covered by that expression were by the act of 1867 taken away from the provincial control and handed over to the federal parliament. A brief indication of what these transferred subjects are will be given later.

The law of property and civil rights that is peculiar to the Province of Quebec has, to a large extent, been codified in the Civil Code of Lower Canada, which, as it came into force in 1866 before Confederation, still bears the old name of the province, and in the Code of Civil Procedure, of which the latest revision was in 1897. With the exception of the mercantile law, of which an outline is given in the Civil Code, that code corresponds in form and contents somewhat closely to the *Code Civil Français*, formerly designated as the *Code Napoléon*. The mercantile law of the Province of Quebec stands in a somewhat peculiar position and it will be necessary to say a few words about it at a subsequent stage.

As to the Code of Civil Procedure, with which we are not here specially concerned, it may be said in passing that it is not drawn from French sources to anything like the same extent as the Civil Code. The commissioners who codified the rules of procedure included remedies, such as writs of injunction, *mandamus* and prohibition, which Quebec courts had taken from the English practice, and owing to the difference in the judicial systems of England and France and to other causes, it is probably true to say that the Code of Civil Procedure is composed to the extent of one-half or more of rules of English origin. From what has already been said it will be seen that the special rules of law peculiar to the Province of Quebec are to be found mainly in the Civil Code of Lower Canada, in the old law so far as this has not been abrogated by the code, in the provincial statutes and in the decisions of the courts.

It is now necessary to explain how it comes about that this peculiar system of law remains in force in a country that forms part of the British Empire.

Before the French Revolution and the great work of codification to which Napoleon gave his name, France was not governed by a uniform system of law. The country was divided into a great number of districts, varying greatly in

size, each with a customary law of its own which had been officially edited and printed as a *Coutume*. The royal *Ordonnances*, which correspond to modern statutes, were as a rule, it is true, made to apply to the whole of France. Moreover, upon many matters, and among them some of the most important, such as obligations, the *Coutumes* as a rule threw little or no light. When questions arose as to which the *Coutume* was silent, the judges had to fall back upon the Roman law, or, more correctly, upon the Roman law in the shape that it had gradually assumed in the writings of modern civilians. The commentaries of these writers formed as it were a reservoir or body of supplementary law from which the judges drew as occasion required. Among the numerous French *Coutumes*, that of the capital—the Custom of Paris—had long enjoyed a kind of pre-eminence.

In the French colonies it was impossible merely to declare that French law should prevail, seeing that French law was not the same in all parts of France. It was necessary to select a particular *Coutume* and declare that it should apply to the colony, and it was quite natural that in the French colonies the Custom of Paris should be the one chosen. The edict of 1663 which set up the *Conseil Supérieur*, the first judicial and administrative body in Quebec, declared that the council was to decide matters according to the Custom of Paris.[1]

In Quebec the general ordinances by which the Custom of Paris had been modified prior to 1663 likewise formed a part of the law, except in cases where they were manifestly intended to refer to France only, or where the local conditions in the province were such as to make them clearly inapplicable. Moreover, just as in France, the writings of the civilians were referred to for guidance upon doubtful matters.

During the period of French rule in Canada and particularly under Louis XIV, a number of important ordinances were issued in France which codified certain branches of the law, such as the commercial law and the law of wills, and there has always been a difference of opinion as to whether

[1] *Edits et Ordonnances*, vol. i. p. 37.

these ordinances applied to Canada as well as to France. On the whole the better opinion appears to be that before a French ordinance took effect in Canada it required to be registered by the Superior Council at Quebec.[1] Many of the ordinances were not so registered, and, therefore, upon this view they were not and are not now, as such, a part of the law of Quebec. The question is of less practical importance than might at first appear, because the ordinances did not make many radical changes, but were on the whole consolidations of the old law, which was itself in operation in Quebec. In the province ordinances modifying the law upon certain points were issued by the administrative authorities, and more particularly by the great official called the intendant, and in course of time there grew up also a considerable body of judicial decisions. The study of the old law of the province as it stood at the date of the Cession has been much facilitated by the two collections published at the expense of the provincial government under the titles of *Edits et Ordonnances* and *Jugements et Délibérations du Conseil Souverain de la Nouvelle France.*

The ground has now been cleared for some consideration of the question as to how far the legal system of the old French province of Quebec was affected by the change of sovereignty under the Treaty of Paris of 1763, and by the subsequent action of the king of England and the British parliament. In spite of the century and a half that have passed, the controversy in regard to these matters can hardly be considered as closed, and though most of the points in debate are merely of academic interest, there are still some which are even now of practical consequence.

The first and by far the most important principle applicable to the circumstances is one upon which all parties are agreed. It is a rule of the English law that the conquest and annexation of territory by the king of England does not *ipso facto* alter the system of law previously in force in

[1] Symes *v.* Cuvillier, 1880, 5 A.C. 138; Stewart and Molson's Bank *v.* Simpson, 1894, R.J.Q. 4 Q.B. at p. 30, per Taschereau, J., and authorities there cited; Walton, F. P., *Scope and Interpretation of the Civil Code of Lower Canada*, p. 2 *et seq.*

the conquered country, at any rate so far as private rights are concerned. It is not necessary that there should be any official declaration, whether by royal proclamation, order-in-council or act of parliament, declaring that the former laws are to remain in force. Although nothing of this kind is done, the private law is not altered by the fact that the country has now become British territory, and if the law is to be changed, this must be done subsequently by the competent authority in that behalf. In the great case of Campbell *v.* Hall,[1] Lord Mansfield carefully reviewed the historical precedents, such as the conquest of parts of France, of Wales and of Ireland, and showed that in no case had conquest *per se* been treated as sufficient to alter the existing legal system. It is in virtue of this rule of law that in many countries over which the British flag floats a system of law different from that of England still remains in operation. It will be enough to mention the Roman-Dutch law which had been carried by the Dutch to South Africa, Ceylon and British Guiana, and the French law of Mauritius and St Lucia, all of which have survived the transference of these countries to the British crown. There is no doubt or difficulty, therefore, in admitting that the cession of Quebec by France to England still left in full operation in the province the Custom of Paris and the old law generally so far as property and civil rights were concerned. There is, however, an old controversy never completely settled as to whether after the Conquest the English law was not introduced into Quebec by a proclamation of George III, and by proclamations of the governor under a special power. Into this dispute it is unnecessary to enter. Whether or not the English law governed for a few years, it is at least certain that in 1774, by the Quebec Act, the French law was reintroduced, if it had ever been abrogated, or was declared to be still in force, if there had never been any valid abrogation.[2]

So far consideration has been confined to private law. When it becomes necessary to deal with the effect of the

[1] 1 Cowper 204 (1774).

[2] F. P. Walton, *Scope and Interpretation of the Civil Code of Lower Canada*, p. 7 *et seq.*

Cession upon what is somewhat vaguely called 'public law,' we are upon much more uncertain ground.

There is no doubt that the private law includes among other things the law of personal status, which determines questions of legitimacy, majority, capacity to contract or alienate, marriage, divorce, judicial separation, tutorship and curatory of incapable persons, and so forth. It includes also the law of property and succession, the modes in which the power to alienate *inter vivos* or by will may legally be exercised, and the extent to which property may be rendered for a time inalienable by creating a 'substitution' or otherwise. Further, the private law regulates the forms of contracts and decides in what cases legal liabilities may arise without contract. All these are matters that affect the personal rights of citizens *inter se* and do not directly touch the relation between the government and the governed.

On the other hand it is clear that a change of sovereignty must carry with it an alteration in the rights and duties that exist between the crown and the subject, or, as it is expressed under many constitutions, between the state and the citizen.

In a case arising out of the conquest of Cape Colony, Lord Stowell said :

> I am perfectly aware that it is laid down generally in the authorities referred to that the laws of a conquered country remain till altered by the new authority. . . . But even with respect to the ancient inhabitants no small portion of the ancient law is unavoidably superseded by the revolution of government that has taken place. The allegiance of the subjects and all the law that relates to it—the administration of the law in the sovereign, and appellate jurisdictions—and all the laws connected with the exercise of the sovereign authority must undergo alterations adapted to the change.[1]

To begin with, the constitutional powers of the king of England were by no means the same as those of the king of France, and the rights and liberties of Canadians after the Conquest became those which were guaranteed to British

[1] Ruding *v.* Smith, 1821, 2 Hagg. Con. at p. 382.

subjects by the constitutional laws of England. They were not in Canada any more than in England rights which could not be altered by the legislature. But unless they were so altered they were those enjoyed by Englishmen at home; and with these rights were associated the correlative duties.

This point was raised at the very outset by a claim made naturally enough on behalf of the French in Canada by the Marquis de Vaudreuil in the negotiations between him and General Amherst as to the terms of the capitulation of Montreal. Vaudreuil desired that it should be a condition of the surrender that in the event of war breaking out at a future time between France and England the French in Canada should not be required to take arms against France, but that the British government should be satisfied if they maintained an exact neutrality. Amherst, though no lawyer, gave a sound and satisfactory answer to this request by saying, 'They become subjects of the King,' *i.e.* their rights and duties were to be the same as those of other British subjects. It is possible of course by act of parliament to deprive certain classes of British subjects of rights which other subjects enjoy, and many illustrations, ancient and modern, might be given, such as the exclusion from the franchise of Roman Catholics and Jews in former times, or of Chinese British subjects in British Columbia to-day. But apart from special legislation the rule is that the rights and duties of British subjects do not depend upon race or creed, or on the fact that some of them are British subjects by birth while others have become so later in life. No more fatal mistake could have been made at the beginning of British rule in Canada than to have laid down the principle that the citizenship of French Canadians was to be in any respect different from that of their fellow-subjects.

Further, as the powers of the new sovereign are, in consequence of the Conquest, substituted for those of the former ruler, so it must be with all the officials who exercise an authority delegated by the head of the state. A change of sovereignty necessarily involves the downfall of one official hierarchy and the setting up of another. All courts, criminal, civil or ecclesiastical, that belong to the old order are *ipso*

facto dissolved by the removal of the sovereign from whom they derive their power, and the powers and prerogatives of the new courts established will, so far as not specially determined by the administrative or legislative acts creating them, be those which are given by the constitutional law of the conquering state. It is on this principle that the Superior Court has been held to have jurisdiction to quash a municipal by-law, because such a power is inherent in the courts of superior jurisdiction under the English law.[1] So also the rules of English law determine in Quebec the conditions under which the writs of *mandamus*, prohibition, or *quo warranto* will issue against officials or public bodies. *Mandamus*, for example, will not issue to compel an official or a public body to act in a certain way or refrain from acting if there was a discretion to be exercised by the authority whom it is sought to coerce.[2]

The power of a court to punish for ' contempt ' is governed by English rules, as also is the degree of authority that courts of civil jurisdiction are bound to allow to the decisions of criminal courts.[3]

Again, the important doctrine of English law that the crown can only be sued by its own consent and upon a petition of right, and that this remedy is not available when the claim is based on tort, is part of the public law. It is true that in Canada an important exception to this rule has been made by the statute under which the crown is made liable for death or injury to the person or to property on any public work, resulting from the negligence of any officer or servant of the crown while acting within the scope of his employment.[4] Public works, such as railways and canals, are in Canada operated by the government to a far greater extent than in England, and it would be inequitable to allow the crown a complete exemption from liability in such cases of

[1] Regina *v.* Waterous Engine Works Co., 1893, R.J.Q. 3 Q.B. 235.

[2] Collège des Médecins *v.* Pavlides, 1892, R.J.Q. 1 Q.B. 405; Gourdeau *v.* Cité de Québec, 1911, R.J.Q. 40 Can. S.C.R. 388.

[3] Fournier *v.* Att.-Gen., 1910, R.J.Q. 19 K.B. 431; City of Montreal *v.* Lacroix, 1909, R.J.Q. 19 K.B. 385.

[4] Rev. Stat. Can. (1906), cap. 140, sect. 20 c. See Letourneux *v.* The King, 1903, 33 Can. S.C.R. 335.

negligence. But though the powers and prerogatives belong to the public law so far as rights of government are concerned, there are some rights which the sovereign enjoys which depend upon the private law of the province. For example, the question whether the crown as a creditor has a privilege over other creditors, and, if so, to what extent, is one which falls to be decided by the law of Quebec and not by that of England.

Perhaps the most important class of cases in which the public law of England differs from that of France is that in which actions are brought against public officers for alleged wrongful acts done in their official capacity. It is a fundamental principle of English law that if an official wrongs a private person he is accountable like anybody else to the ordinary courts, and it is no defence that he acted in good faith or in obedience to the order of his official superior. In the codes of France and Germany, as in most if not all of the legal systems of continental Europe, very different ideas on this subject prevail. The moment an act is official the jurisdiction of the ordinary courts to decide as to its wrongfulness or otherwise is completely ousted. Any claim based upon it must be brought before a special tribunal, composed mainly of officials and naturally inclined to look with a lenient eye on the acts of government servants. Under our system, if there is any bias it is generally against the official, and experience shows that juries are by no means averse to giving heavy damages against an officer of the government who has abused his authority and interfered with the freedom of the lieges. Under the French system, on the other hand, it is extremely difficult to get any remedy by legal process against wrongs of this kind. A special court exists, called the *Tribunal des Conflits*, whose sole function is to determine whether the act complained of was done by the officer in the real or mistaken exercise of his duties, in which case it is an official act, or if it was entirely unconnected with his functions and therefore an example of *faute personnelle*. In many cases, if the decision of the *Tribunal des Conflits* is that the act was an official one, the complainant does not think it worth while to carry the case further. In Quebec

it does not seem to have been doubted from the beginning that in regard to this matter English rules were to prevail, and actions of damages against public officials of all grades for wrongful exercise of their authority are perfectly familiar.

There are, however, certain classes of cases in which more difficulty is found in determining the preliminary question whether they belong to the sphere of public law. For example, when a newspaper is sued for libel, is the defence that what was said was a fair comment upon a matter of public interest a valid defence in the courts of Quebec as being the rule of English law, whether the French law is the same or not ? There are a number of *dicta* of learned judges to this effect on the ground that the degree of liberty granted to the press is a matter of public law.

Similarly, opinions have been expressed that all questions that concern the relation of the subject to the administration of justice belong to the public law. If this general rule is well founded it will cover actions for libel based upon injurious language used in pleadings or by a witness in the box, and actions for false arrest or malicious prosecution. The tendency of decisions in recent cases, however, is against regarding such matters as part of the public law, but the point can hardly as yet be considered as finally settled.[1]

Unfortunately very little can be found in the reports of English decisions or in works of authority upon the distinction between public and private law. This is not surprising because in the English courts nothing turns on the distinction. The judges have to apply the law, and whether it is public or private makes no difference. In Quebec, where the distinction is capital, because upon it depends the question whether a case is to be governed by English or by French law, the authorities are so far very meagre. Judges, not unnaturally, are disposed to follow the line of least resistance and to shirk the difficulty, where that is possible, by saying that in the case before them there would be no difference between the English and the French law.

The commercial law has been referred to earlier in this chapter as standing in a somewhat different position from

[1] C.P.R. *v.* Waller, 1911, 1 Dom. Law Rep. 47.

the general body of private law. Among laymen there is a popular misapprehension that the commercial law of Quebec is English. As a statement of principle this would not be accepted by lawyers, but it is less wide of the mark than might at first appear.

As early as 1785 a statute was passed introducing the English rules of evidence in commercial matters.[1] Subject to the familiar exceptions admitted in England, parole testimony was to be sufficient to prove commercial contracts.

After the Cession the commerce of the country, and more particularly the foreign trade, fell mainly into the hands of the English-speaking part of the community. Their business was principally with England, with the United States or with the other provinces of British North America, and all of these were governed by the English law. It was natural, therefore, that English commercial usages should become more familiar than French, and that in the courts great deference should be paid to the decisions of English judges who had explained the English usages. At the same time some of the French ordinances, and particularly the so-called *Code de la Marine* of 1681, were not without great influence. It must not be forgotten that English commercial law in its present shape is mainly the creation of the eighteenth century, and is to a large extent the work of Lord Mansfield and other judges, who applied in practice and elevated to the rank of rules of law the customs which had been formulated by civilians, mostly French or Dutch. What is called the English commercial law is by no means wholly of English origin, and it differs widely in this respect from much of the common law, which strikes its roots deep down in English soil. The commercial law, like the Roman *jus gentium*, is an eclectic system, consisting of rules which, being grounded on principles of natural equity and for the most part consecrated by long practice among traders, can without hardship be made to apply to the transactions between men who reside in different countries and in other matters are governed by different laws. Both the Roman prætor and the English judge framed many such rules in cases in which no foreign

[1] 25 Geo. III, cap. 2, sect. 10; Consol. Stat. Lower Can. cap. 82, sect. 17.

party was concerned, but in the mind of both there was the more or less conscious intention to lay down principles suitable for application in questions between traders, whatever might be their respective nationalities. The fact that the commercial law as applied in England was itself taken to no small extent from French sources no doubt helped to ensure it a favourable reception in Quebec.

The commissioners who drafted the Civil Code of Lower Canada state very clearly the difference between the commercial law and the civil law of the province in regard to their origin. They say:

> In a few instances the rules of the commercial law may be found in the statute book or in the ordinances of France, but much of it is to be sought in usages and jurisprudence. Our system, if system it may be called, has been borrowed without much discrimination, partly from France and partly from England; it has grown up by a sort of tacit usage and recognition, without any orderly design or arrangement, and has not yet received any well-defined or symmetrical form from the decisions of our courts.

The codifiers might have thought that the time had come to try to give the commercial law this symmetrical form, but they evidently shrank from the task and rather excused the very meagre outline which they give of it by saying: 'Much of what has been established by usage may more safely be left to be interpreted in like manner and to be modified as new combinations and experience of new wants may suggest.'[1]

In speaking of the commercial law of the Province of Quebec it is important to notice that in the arguments before the courts English and American cases, and cases decided in the other provinces of Canada, are constantly cited. Although such cases are referred to, not as authorities binding upon the court, but as illustrations of the applications of similar rules, it is an undoubted fact that the practice of looking to them for guidance tends strongly in the direction of assimilation. The fact also that the majority of the

[1] *Commissioners' Reports*, vol. iii. p. 214.

judges of the Supreme Court and of the Judicial Committee of the Privy Council have been trained in the common law cannot fail to exercise some influence. In cases, for example, where the French authorities are conflicting and the rule in Quebec is not settled, any court with a composition like that of the Supreme Court or the Judicial Committee must have an inclination to hold that the law of Quebec does not differ from that of the other provinces.

Upon such a question, for example, as whether a contract is complete when an acceptance has been made, or whether, on the other hand, it remains incomplete until the offerer has received notice of the acceptance—a question never finally settled in France—the Supreme Court naturally adopted the former theory, which is in accordance with the law of England and of Ontario.[1] Even those who are most jealous to preserve the purity of the civil law of Quebec can hardly regret that in regard to rules of this kind some weight should be given to the advantage of having the same rule for the whole of Canada. In commercial matters, at any rate, it is safe to affirm that a gradual assimilation of the law of Quebec to that of the rest of Canada has long been going on, and is now fairly complete.

It is not necessary in this place to do more than indicate in a very general way the subjects that have been withdrawn from the control of the provinces and handed over to the Dominion parliament. The consideration of the respective spheres of the parliament of Canada and of the legislatures of the provinces belongs to the constitutional law and will be treated of in the chapter on that subject.

Broadly speaking, the intention was to leave to each province its complete autonomy in regard to matters that did not affect persons outside its limits, and to transfer to the Dominion the control of those matters that affected the Dominion generally, or, at least, two or more provinces of the Dominion.

Applying this canon, no difficulty arises in regard to the postal service, the census, the military and naval services,

[1] Magann *v.* Auger, 1901, 31 Can. S.C.R. 180. Cf. Toulouse, 13 juin 1901, Dall. Pér., 1902, 2, 16.

shipping, quarantine, currency, bills of exchange, interest, patents and copyrights, weights and measures, the criminal law and the law of naturalization, and also the laws relating to Indians. All of these matters plainly affect the Dominion as a whole. It is equally clear that railways, ferries, canals, telegraphs, and other works that extend beyond the limits of a province or connect one province with another cannot be submitted to provincial legislatures.

In regard to two of the transferred subjects, namely banks and fisheries, there might, but for the express language of the act, have been room for doubt, but it was felt to be desirable to place the financial system of the country and the fisheries, whether on the sea-coast or inland, under a single control, and therefore the legislation in regard to these matters was placed under the federal jurisdiction. In the case of the fisheries in waters belonging to the crown, the transfer of legislative authority did not affect the right of property enjoyed by the government of the province as representing the crown.

Provision was also made for the case of works which, although wholly situate within a province, might be upon such a scale or of such a character as to justify their being regarded as Dominion matters, and it was enacted that such works, either before or after their execution, might be declared by the parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces.

Over the works and undertakings which are not confined within provincial boundaries, or, if so confined, have been declared to be of general advantage, the parliament of Canada has exclusive authority, and it is in virtue of this power that the great railways, telegraphs, telephones and express companies are regulated by Dominion law and placed under the control of the railway commission, which can determine under its delegated authority what conditions shall be inserted in bills of lading or other contracts necessary for these businesses, and to what extent the companies may limit their liability.

Up to this point the distribution of legislative powers is

sufficiently clear, but there are certain of the transferred subjects not yet mentioned in regard to which serious doubts have been felt. In spite of the very considerable number of cases which have been decided upon some of them, there are still many points of general importance that remain undetermined.

The Dominion parliament was given exclusive legislative authority as to the 'regulation of trade and commerce.' By giving these words a wide interpretation the whole of the commercial law might have been placed under the control of the Dominion, but a much more restricted meaning has been given to them by the courts. It has been held by the Privy Council that the words must be taken to mean the power to make political arrangements in regard to trade, and regulations as to trade in matters of inter-provincial concern, and perhaps general regulations affecting the whole Dominion. But a law, for example, that certain clauses should be implied in all policies of fire insurance issued in a province is within the provincial power and is not such a regulation of trade as is competent only to the Dominion.[1]

It is under its power to regulate trade and commerce that the federal parliament passes such general measures as the Insurance Act, the Trade Union Act, the Alien Labour Act, the acts for the inspection and standardization of wheat and some other staples, the laws to prevent the adulteration of food, and many others. In regard to some of the provisions in the Insurance Act and in some of the other acts passed under this power, it is by no means certain that the federal parliament has not invaded the provincial field.

Again, the province has power to incorporate companies *with provincial objects*. But what limitation is intended to be created by the italicized words? Does it mean that companies incorporated by a provincial legislature must confine their business within the province which has given them a legal status? Upon this view an insurance company incorporated by a province would be debarred from taking risks outside that province. The great division of opinion among judges of the Supreme Court shows how hard it is to give an intelligible meaning to the words 'with provincial

[1] Citizens' Insurance Co. *v.* Parsons, 1881, 7 A.C. 96.

objects' as determining a class of companies, and until a decision of the Privy Council has been obtained the point will remain doubtful.[1]

Further, the province has exclusive power to legislate as to the solemnization of marriage in the province, while the Dominion has a similar power with regard to marriage and divorce. How is it possible to reconcile the two powers? If, for example, the province enacts that the marriage of two Roman Catholics shall not be valid unless celebrated by the proper priest of their church, can this be considered legislation that transcends solemnization and, by affecting the validity of the marriage, invades the sphere of Dominion legislation? Must laws dealing with solemnization be limited to the laying down of regulations as to banns, licences, officiating persons and the like, and imposing penalties for breach of such regulations, but always subject to the limitation that marriage itself shall not be annulled if celebrated by any marriage officer? This contention has recently been rejected by the Supreme Court of Canada and the Privy Council, and it has been held that under the provincial law it might be a condition of the validity of the marriage that it should be performed by the priest or minister of the religion of both parties or of one of them. It was held, however, that under the law of Quebec as it stood no such condition had been imposed.[2] These examples may serve to illustrate the difficulties of interpreting the sections of the British North America Act which contain the distribution of legislative powers.

Under the Canadian constitution the whole field of legislative power is divided between the federal and provincial parliaments. If the enactment is one that is to take effect within Canadian territory, the power to pass it must reside either with the Dominion parliament or with the provincial legislature. The only exception to which this statement is subject is the very rare case of an act that has been passed

[1] Can. Pac. Ry. *v.* Ottawa Fire Insurance Co., 1907, 39 S.C.R. 405.

[2] *In re* Marriage Laws, 1912, 46 Can. S.C.R. 132; Marriage Legislation in Canada, *in re* [1912] A.C. 880. The Privy Council found it unnecessary to express an opinion on the second point.

conflicting with an imperial statute dealing with the same matter and applying to Canada.[1]

There is not any written constitution for the Dominion, or for the separate provinces, by which certain subjects are withdrawn from the legislative jurisdiction. This creates an important difference between the constitution of Canada and that of the United States. An American law may be held to be invalid because it is contrary to the constitution of the United States, or, in the case of a State law, because it is contrary either to the constitution of the United States or to that of the State in which it was passed. Thus, for example, workmen's compensation acts have been held invalid on the ground that to make the employer liable without proof of fault was such a taking away of property without process of law as was forbidden by the constitution.[2] Under the Canadian system this would be impossible, not because the courts have less power than those of the United States, as Theodore Roosevelt appears to suppose, but because there is no written constitution which restricts the freedom of the legislatures. If the province has authority to pass laws dealing with the relation of employer and employed, any legislation which it passes, however revolutionary in character, is perfectly valid. The constitutional doctrine of the sovereignty of parliament is as applicable to the provincial legislatures as to the parliament of the Dominion, or even to the imperial parliament, provided always that the province is dealing with a subject included in the field of legislation assigned to it.[3]

This principle is in no way affected by the administrative veto, a power in any case very sparingly exercised.

No description of the legal system of Quebec can be at all complete without some notice of the important difference that exists between that system and the English law in regard to the authority of judicial decisions. Without

[1] Att.-Gen. for Ont. *v.* Att.-Gen. for Can. (1912) A.C. 571.

[2] See Ives *v.* South Buffalo Ry. Co., 1911, 201 N.Y. 271, and article by Prof. Wambaugh in *Harv. Law Rev.*, vol. xxv. p. 129.

[3] See Beardmore *v.* City of Toronto, 1910, 21 Ont. L.R. 505, a case Mr. Roosevelt evidently has in mind when he says that in Ontario 'the court has no power whatever to declare a legislative act unconstitutional.'

attempting to state fully the English rules on the subject, it may be said that the judgments of a higher court by which a point of law is decided are binding upon all courts of inferior jurisdiction when the point which has been so decided comes up before them in a subsequent case, and that the higher court itself is bound to follow its own previous decision. As Gulliver rather cruelly expressed it, ' If once judges go wrong they make it a rule never to come right.'

All the systems of law based on that of Rome start with a principle fundamentally opposed to this. *Non exemplis sed legibus judicandum est.*

President de Thou, speaking of the French law, says: *Les arrêts sont bons pour ceux qui les obtiennent, il faut se garder de les invoquer comme une autorité décisive.*

English and American judges regularly support their opinions by reference to previous decisions, whereas in France a judge is not allowed to give a previous case as one of the *motifs* of his judgment. The courts of Quebec follow in principle the French and not the English rule in regard to the value of precedents, though perhaps owing to English example and to the attitude of mind of judges of the Supreme Court and of the Privy Council previous judgments are treated with more respect in Quebec than is the case in France. In a recent case in Quebec the rule was thus stated by Mr Justice Cross: 'The binding authority of precedents is characteristic of English law. With us the Code is the law whilst decisions are particular applications of the law.'[1]

The English system undoubtedly leads to an occasional miscarriage of justice. The court decides a question in a certain sense, not because it is convinced that this is the correct view but because the point has been so decided by another court; and a volume might be compiled of ' Cases reluctantly followed.' In rare instances the legislature may take action, but a remedial statute will seldom, if ever, be retroactive, and the defeated litigant has to be content with the satisfaction of knowing that the injustice done to him has led to a legal reform.

[1] Le Procureur Général de la Province de Québec *v.* Maclaren, 1911, R.J.Q. 21 K.B. at p. 58.

On the other hand, the English system has the virtue of greater certainty. It is possible to predict with more confidence in what sense a point will be decided, and lawyers and men of business can make their arrangements accordingly. If the French theory were carried to the logical extreme, every judge could be free to give his own interpretation of the law and previous judgments would afford no guide. The judgments of the higher courts would not necessarily carry any weight with courts of inferior jurisdiction. But, apart from the fact that a court of appeal which has decided a legal question in one sense is not likely within a short time to decide it in the opposite sense, even though perfectly free to do so, the courts of appeal recognize that it is their duty to settle the law so far as they can. This being so, inferior courts are not disposed to give decisions which they know will be reversed on appeal if the case goes further, or in unappealable cases, to incur the suspicion of bias by giving a decision contrary to the known views of the higher court. The result is that both in France and in Quebec, and indeed in all countries where a civil law system prevails, a working compromise is arrived at, that where there is a 'jurisprudence' upon a certain point this is not to be disturbed unless it be by a court of higher jurisdiction than the courts which created the 'jurisprudence'; and 'jurisprudence' is defined as 'the habit of the judges to decide or interpret a question in a well-defined sense.'

In Quebec it is admitted that an inferior court may decline to follow one judgment or even two judgments of a superior court, in order to give that court an opportunity to reconsider the matter. When, however, a superior court has on several occasions reached the same conclusion there is a settled jurisprudence that ought to be followed both by that court itself and by all courts of inferior jurisdiction. Where the courts that pronounced the judgment relied upon are themselves divided in opinion, it will be more easy to reach the conclusion that the jurisprudence is not settled.

In principle it would appear that the Supreme Court of Canada has in Quebec cases the same freedom in regard to previous decisions as the courts of the province. The com-

position, however, of that court, consisting as it does of five judges trained in the common law and two only from the Province of Quebec, inclines it to take a stricter view of the binding character of precedents. But, though the Supreme Court will very rarely overrule a previous decision of its own, it is not absolutely bound to follow it, in the sense in which the court of appeal or the House of Lords in England would be bound in similar circumstances.[1]

II

THE ORGANIZATION OF THE COURTS

IN attempting to give a brief description of the organization of justice in the Province of Quebec it will be convenient to begin at the bottom of the judicial hierarchy and proceed upwards to the highest court to which an appeal may in some cases be carried. It is, however, hardly necessary for the present purpose to explain the jurisdiction, very limited in character, possessed by such inferior courts as the Commissioners' Court, the District Magistrate's Court, and the Courts of Justices of the Peace and of Recorders. The powers of these several courts are stated in the Code of Civil Procedure and in the special statutes creating or relating to them. We will begin therefore with the Circuit Court.

Circuit Court

Except where, as in Montreal, special judges have been appointed to preside over the Circuit Court, this court is held by the judge of the Superior Court of the district. The Circuit Court has ultimate jurisdiction to the exclusion of the Superior Court when the sum claimed or the value of the thing demanded is less than $100; and when the Circuit Court sits at a place which is not the chief place of the judicial district, it has original jurisdiction to the exclusion

[1] See Desormeaux *v.* Ste Thérèse, 1910, 43 Can. S.C.R. 82; Shawinigan Hydro-Electric Co. *v.* Shawinigan Water and Power Co., 1910, 43 Can. S.C.R. 651.

of the Superior Court where the claim does not exceed $200, but subject to appeal to the Court of Review when the claim amounts to or exceeds $100. But to these general rules there are two classes of exceptions. In suits for school taxes or school fees, and in suits concerning assessments for the building and repairing of churches, parsonages and churchyards, which may be levied on the proprietors of lands possessed by persons professing the Roman Catholic faith, the Circuit Court has ultimate jurisdiction whatever may be the amount of the suit. On the other hand, when the demand relates to fees of office, duties, rents, revenues, or sums of money payable to His Majesty or to titles to lands or tenements, annual rents or other matters in which the rights in future of the parties may be affected, there is an appeal from the Circuit Court even though the amount claimed be under $100. The term 'annual rents' as here used means ground rents (*rentes foncières*) and not annuities or any other like charge, and 'matters in which the rights in future of the parties may be affected' refers to rights over immovables and not to personal rights, however important. This rule of construction is settled by a uniform jurisprudence of the Supreme Court, and claims of a personal nature, such as that for the continuance of an alimentary allowance under a judgment of separation, are not covered.

In the classes of cases last referred to, namely when the claim relates to fees of office or sums payable to His Majesty or to titles to lands and the like, appeal lies directly to the Court of King's Bench or to the Court of Review in the option of the appellants. But in the cases where the right of appeal from the Circuit Court depends not on the nature of the claim but on the fact that the value of the thing demanded amounts to or exceeds $100, the right of appeal is to the Court of Review only.

The Superior Court

The Superior Court has original jurisdiction in all suits or actions which are not exclusively within the jurisdiction of the Circuit Court or of the Exchequer Court of Canada, and

in the district of Quebec it has exclusive original jurisdiction in cases of petition of right. It has also exclusive original jurisdiction in matters of *capias*, and insolvency, and in proceedings under the Winding Up Act. The Superior Court has also original jurisdiction by means of evocation in suits instituted in the Circuit Court relating to fees of office, sums payable to the crown, and titles to lands and annual rents or other matters by which rights in future may be affected. This court also has a general power of supervision and control over the proceedings of municipal corporations, over the other courts except the Court of King's Bench, and over all other persons and bodies politic and corporate within the province. It is under this general authority that the court may annul the by-laws, resolutions, and acts of municipal councils when they are *ultra vires*, or when they order something to be done which is illegal.

From what has been said above in regard to the Circuit Court it will be seen that cases of which the value is $100 or over must be brought in the Superior Court, except that suits wherein the sum claimed amounts to $100 but does not exceed $200 may be brought in the Circuit Court except at the chief place of a judicial district. When the sum claimed is $500 or over there is an appeal to the Court of King's Bench or to the Court of Review in the option of the appellant. But if the party chooses the Court of Review and that court confirms the judgment of the Superior Court, he cannot carry the case further to the Court of King's Bench. If the Court of Review reverses the judgment of the Superior Court, the other party can appeal further to the Court of King's Bench. In cases in which the value of the demand is less than $500 the appeal can only be to the Court of Review unless the case is one belonging to the exceptional classes, namely such as relate to sums payable to the crown, titles to lands and similar rights or actions in recognition of hypothecs.

Jury Trial

There is a right of trial by jury at the option of either of the parties when the amount claimed exceeds $1000 and is

founded upon a debt, promise or agreement of a commercial nature, or is an action for the recovery of damages resulting from personal wrongs, or from offences or quasi-offences against movable property. The expression 'personal wrongs' is not as wide as the English word 'torts.' It means wrongs caused to the person such as slander, libel, assault and bodily injuries. It does not include damage to immovables, nor damage to a business caused by injury done to the immovable in which the business is carried on. If the action is of a commercial nature the jurors are taken from the persons speaking the required language who are designated in the jury-list as merchants or traders. When the language of all the parties is the French language or the English language, or when one of the parties speaks the French language or the English language, and the mother tongue of the other is neither French nor English, the judge on the demand of one of the parties may order that the jury be composed wholly of persons speaking the French language or the English language, according as the language of all or one of the parties is French or English.

But in two cases there may be a mixed jury, that is, a jury composed half of persons speaking the French language and half of persons speaking the English language, viz. (1) when one of the parties speaks the French and the other the English language, and one of them demands a mixed jury; or (2) when one of the parties is a corporation and it demands a mixed jury. But when one of the parties is a corporation and does not make such a demand, the other party cannot claim a mixed jury. Nor can a party whose mother tongue is neither French nor English demand a mixed jury. It has been held that the question is not one of race but of language, and that a French Canadian who knows English may serve on an English jury and conversely.

Court of Review

This court consists of three judges of the Superior Court elected by the chief justice for a special term and afterwards returning to their ordinary duties. There is an appeal to

this court (*a*) from the Circuit Court in the cases above-mentioned, in which cases the judgment of the Court of Review is final; (*b*) in Superior Court cases when the sum claimed is less than $500, in which case the judgment of the Court of Review is final; (*c*) in Superior Court cases relating to sums payable to the crown or to titles to lands or other matters in which the rights in future of the parties may be affected, or actions in recognition of hypothecs irrespective of the value of the action, or in suits of other kinds in which the sum demanded or the value of the thing claimed amounts to or exceeds $500. In all the above cases the judgment of the Court of Review, if it confirms that rendered by the Superior Court, cannot be appealed to the Court of King's Bench.

Court of King's Bench

This is a permanent court of appeal consisting of a chief justice domiciled either at Montreal or at Quebec, and five puisne judges. The court sits alternately at Montreal and Quebec. There is an appeal from the Circuit Court when the demand relates to sums payable to the crown or to titles to lands or other matters in which the rights in future of the parties may be affected, or in actions in recognition of hypothec, unless in any such case judgment has been rendered by the Court of Review; and from the Superior Court when the action is of one of those special classes, or amounts to or exceeds $500, unless there has been a judgment by the Court of Review confirming that rendered in the Superior Court. There is, however, no appeal from a final judgment rendered by the Superior Court in a matter of *certiorari* or upon a judgment on a writ of *quo warranto* or *mandamus*, etc., in matters relating to municipal corporations and offices.

In addition to its appellate jurisdiction the Court of King's Bench has the duty of hearing and considering any question which is referred to it by way of reference by the lieutenant-governor in council, the opinion of the court being advisory only and not subject to appeal.

The Supreme Court of Canada

This is a federal court created by an act of the parliament of Canada under the power given by the British North America Act to provide for the constitution and organization of a general Court of Appeal for Canada. The court consists of a chief justice and five puisne judges, of whom two at least must be taken from the Bench or Bar of Quebec.

There is an appeal to this court from any final judgment of the Court of King's Bench in appeal when the sum in dispute exceeds the value of $2000. Moreover there is a right of appeal from such a final judgment irrespective of the value in dispute when the case involves the question of the validity of an act of the parliament of Canada, or of the legislature of any of the provinces, or relates to fees, duties, etc., payable to His Majesty, or to titles to lands, tenements, etc. This last head includes cases as to servitudes, possessory actions, and such questions as whether a property enjoys exemption from taxation. There is also an appeal irrespective of value from the judgment, whether final or not, of the highest court of final resort, whether such court is a court of appeal or original jurisdiction, where the court of original jurisdiction is a Superior Court, upon any motion to enter a verdict for non-suit upon a point reserved at the trial, or upon any motion for a new trial, and also from the judgment in any case of proceedings for or upon a writ of *Habeas Corpus*,[1] or in any case or proceeding for or upon a writ of *mandamus*, or in any case in which a by-law of a municipal corporation has been quashed by a rule or order of court, or where the rule or order to quash has been refused after argument.[2]

In reference to what has been said above regarding the Court of Review, it has been shown that there are certain cases in which, though the sum in dispute amounts to or exceeds $500, there is no right of appeal to the Court of King's Bench, because the losing party exercised his option

[1] See Desormeaux v. Ste Thérèse, 1910, 43 Can. S.C.R. 82.

[2] Shawinigan Hydro-Electric Co. v. Shawinigan Water and Power Co., 1910, 43 Can. S.C.R. 651.

between that court and the Court of Review in favour of the latter, and the Court of Review confirmed the judgment rendered in the first instance. In such cases the Court of Review is the highest court of final resort in the province, but there is a right of appeal from its judgment to the Supreme Court in cases as to fees, duties, etc., payable to His Majesty, and cases as to titles to lands, or matters affecting 'future rights'; and cases where the matter in dispute exceeds the sum or value of $5000 are always appealable to the Supreme Court.

It is a blot upon the system that an appeal lies to the Supreme Court in questions relating to titles to lands or rights of possession of lands, however trivial the value of the case may be.

Cases which are in their nature or value susceptible of appeal to the Supreme Court may, by consent of the parties, be carried directly to that court from the judgment of the court of original jurisdiction without any intermediate appeal. This is called appeal *per saltum* and is very uncommon.

In criminal cases where there has been an appeal from the verdict or judgment to the Court of Appeal, and that court has unanimously confirmed the conviction, there is no right of appeal to the Supreme Court. But if any of the judges dissent from the opinion of the majority, the person convicted of an indictable offence may appeal to the Supreme Court.

Besides its appellate jurisdiction the Supreme Court has an important jurisdiction in regard to references by the governor-general in council. The governor-general in council may refer to the Supreme Court for hearing and consideration any question of law or fact touching (*a*) the interpretation of the British North America Acts, 1867 to 1886; (*b*) the constitutionality or interpretation of any Dominion or provincial legislation; (*c*) the appellate jurisdiction as to educational matters, by the British North America Act 1867, or by any other act or law vested in the governor in council; (*d*) the powers of the parliament of Canada or of the legislatures of the provinces, or of the respective governments thereof, whether or not the particular power in ques-

tion has been or is proposed to be executed; (*e*) any other matter, whether or not in the opinion of the court *ejusdem generis* with the foregoing enumerations with reference to which the governor in council sees fit to submit any such question.

Where the question relates to the constitutional validity of a provincial act, or in any case where the government of any province has a special interest, the attorney-general of the province is to be notified of the hearing in order that he may appear if he thinks fit, and the court also has power to direct notice to be given to other persons specially interested.

The opinion of the Supreme Court upon such references is advisory only, but for the purposes of appeal to the Privy Council is to be treated as a final judgment.

In a recent case it was contended on behalf of seven of the provinces of Canada that the power given by the Dominion acts to the Supreme Court to entertain references as to the validity of provincial acts was unconstitutional. It was argued on behalf of the provinces that the power given to the Dominion by the British North America Act was to establish a supreme court of appeal for Canada which would have jurisdiction to hear appeals from provincial courts, and that there was no authority to give to such a court powers that were not in their nature judicial. The contention was that in answering questions submitted in this way by the government of Canada the Supreme Court acted in an advisory and not in a judicial way, and that in advising the government of Canada that provincial acts were invalid they were invading the autonomy of the provinces. But the Supreme Court and the Privy Council have upheld the validity of such rights of reference principally upon the ground that although the particular power is not mentioned in the British North America Act, it is impliedly given in the general power to legislate for the peace, order and good government of Canada. The Privy Council also pointed out that an analogous power existed in England to refer questions to the Judicial Committee, and that in most of the provinces of Canada the provincial government had the power to make such a reference to the court of appeal of

the province. These considerations went strongly to show that there was no incompatibility between the judicial functions of a court and the duty created by statute to answer questions submitted in this way.[1] Except in certain admiralty cases the judgment of the Supreme Court of Canada is absolutely final and there is no appeal as matter of right to the Privy Council, but, as will be explained in the following paragraph, the Privy Council may on petition grant special leave to appeal from a judgment of the Supreme Court.

The Judicial Committee of the Privy Council

The Judicial Committee of the Privy Council was constituted by an act of 1833, which has since been amended on several occasions. Before 1833 appeals to the king in council were heard by committees specially appointed. As at present constituted the committee consists of a large number of judges of whom some have held judicial office in England, Scotland or Ireland, and others in some superior court in other parts of His Majesty's dominions. The members of the committee must all be privy councillors. Although to all intents and purposes a court of law, the Judicial Committee is in point of form a committee of the Privy Council. It does not issue a judgment but makes a report or recommendation to His Majesty in council for his decision thereon, and the report is always that of the majority of the members of the committee present at the hearing, a dissentient minority not being allowed to express its opinion.

There is an appeal to the Privy Council from final judgments rendered in appeal by the Court of King's Bench (*a*) in cases where the matter in dispute relates to fees, etc., payable to His Majesty ; (*b*) in cases concerning titles to lands or 'future rights' ; (*c*) in cases where the matter in dispute exceeds the value of $5000. When the case falls into one of these three classes, and the Court of Review has pronounced a judgment which, according to the rules previously explained, was not susceptible of appeal to the

[1] Att.-Gen. for Ont. *v.* Att.-Gen. for Canada (1912) A.C. 571.

Court of King's Bench, there is an appeal to the Privy Council.

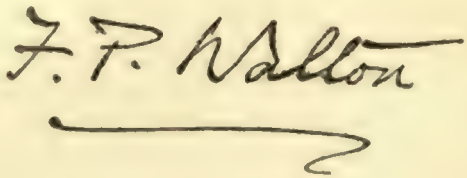
A motion for leave to appeal to the Privy Council is made before one of the judges of the court which rendered the judgment and security given for payment of the costs in the event of the judgment being confirmed. If the judge refuses leave on the ground that the case is not of the appealable value or does not belong to one of the classes of cases which can be appealed irrespective of value, a petition for special leave to appeal may be lodged in London. In regard to judgments of the Supreme Court the general rule is that the judgments of that court are final saving His Majesty's prerogative to grant special leave to appeal. The Supreme Court cannot grant leave to appeal, and there is only one case in which there is an appeal as matter of right from a judgment of the Supreme Court. This is when the Supreme Court has rendered a judgment in an admiralty case, where the right of appeal to the Privy Council is given by an imperial statute, the Colonial Courts of Admiralty Act. In all other cases in which an appeal to the Privy Council is sought from a judgment by the Supreme Court of Canada, a petition craving special leave to appeal must be lodged in London.

It is in the discretion of the Privy Council to grant or refuse such special leave, and it is not possible to lay down very precise rules upon the matter. The Privy Council has said that leave will not be granted 'save where the case is of gravity involving matters of public interest or some important question of law, or affecting property of considerable amount, or where the case is otherwise of some public importance or of a very substantial character'; and even when the case is sufficiently important leave to appeal may be refused upon the ground that the judgment of the court below is plainly right, or at least is unattended with sufficient doubt to justify an appeal. As a rule the board is disinclined to allow appeals in cases which turn upon conflicts of evidence.

The prerogative right to grant special leave to appeal to His Majesty in council cannot be taken away except by

express words in a statute. In particular it has been held that the declaration in a statute that the judgment of a court shall be final, though it takes away the claim to appeal to the Privy Council as matter of right, does not affect the right of the Privy Council to grant special leave. In regard to criminal matters, however, the Criminal Code of Canada provides that notwithstanding any royal prerogative no appeal can be brought in any criminal case from the judgment of any court in Canada to the Privy Council. It has been argued that the prerogative right cannot be taken away even by express words upon the ground that there is no power in a colonial legislature to limit the royal prerogative in this way. It is contended that the appellate jurisdiction of the king in council is a matter of imperial concern resembling the right to disallow a colonial act. The point has not yet been settled, but on the whole this contention does not seem to have a solid foundation. The prerogative right can be preserved if necessary by disallowing the colonial act within the legal delay, and if this has not been done it would seem that the right has been validly abolished.

When the party to an action had the option of appealing either to the Privy Council or to the Supreme Court, as, for example, from a final judgment of the Court of King's Bench in a case susceptible of appeal to the Privy Council, and he elected to go to the Supreme Court and was there defeated again, he will not in ordinary circumstances be granted special leave to appeal to the Privy Council. The Privy Council has power to grant leave even in those circumstances, but a very special case must be made if it is to be induced to exercise its power. There is a much better chance of obtaining special leave to appeal when the party seeking it was taken to the Supreme Court against his will.



THE MUNICIPAL SYSTEM OF QUEBEC

THE MUNICIPAL SYSTEM OF QUEBEC

Under the French Régime

DURING the eleventh century a certain number of cities and towns in France rose in rebellion against the feudal lords. They wrested from their oppressors a measure of liberty and constituted themselves into *communes*. This occurred when the king of France, nominally the ruler of the whole country, was surrounded by warlike lords, his vassals, whose power he could not curb. In this predicament the king, to weaken his opponents or rivals, showed himself ever ready to help the cities to become independent. Finally, as the *communes*, with municipal organization, became numerous and powerful, there was a corresponding loss of strength in the feudal system. Then the course of the king's policy was altered. He endeavoured to centralize all authority in his own hands—and at the expense of the independent cities. This concentration of power at Versailles was completed under Louis XIII and his son; and the change that deprived the people of Old France of every vestige of self-government brought about the same conditions in New France, whose institutions were modelled after those of the mother country.

In keeping with such a policy of absolutism, no municipal institutions could be allowed in Canada. In the very early days a mayor and councillors had been elected at Quebec, and also a *syndic d'habitations*, a sort of trustee for the inhabitants; but an order came from France directing the governor to put an end to every electoral practice. Colbert, referring to this order, wrote that 'it is well that every citizen should speak for himself and no one for all'—a subtle device to stifle

the voice of the people, for it was self-evident that a solitary expression of opinion would not dare to manifest itself, and that, even if it did, it could carry no weight in its isolation.

The *syndics d'habitations* were municipal officers elected to look after the interests of the people. In 1647 Quebec, Montreal and Three Rivers each elected one for three years, but it appears that the appointments of these officials were cancelled in 1661.

In 1663, at the request of the attorney-general, the *Conseil Souverain* called a meeting of citizens to elect a mayor and two aldermen. The meeting resulted in the selection of Jean-Baptiste Legardeur de Repentigny as mayor and Jean Madry and Claude Charron as aldermen. But these men, acting under certain superior influence, soon resigned; the council accepted their resignation under the plea that the number of inhabitants was too small to admit of so many officials, and that it would be preferable to have only one syndic, whose nomination the governor there and then determined. This officer was elected in 1664, but the election was cancelled shortly after under the pretence that it did not suit the people. The governor chose another syndic, but this appointment was opposed by the bishop, and from that time on no municipal power existed in Canada. It is strange, however, to notice that at the surrender of Quebec, 1759, a mayor requested Vaudreuil, the governor, to surrender. This is the only official act of a mayor known under the French régime.

The ordinances passed for municipal purposes looked to every subject; they directed the upkeep of roads both in summer and winter; snow-drifts were to be removed and the roads across the rivers mapped out by trees and boughs. There were ordinances regulating chimney-sweeping in cities, the impounding of strayed animals, and even the distance from churches at which horses and vehicles should be tied. It was also enacted by the council that in processions the *marguilliers* (churchwardens) must take precedence over the other faithfuls, and that the *pain bénit* should be served first to these same officials. Street-begging was forbidden under penalty of a fine for the donor and

imprisonment for the mendicant. One curious ordinance calls for a meeting of the people to examine the bakers' bread and to fix its price. In October 1675 the habitants were asked to meet to discuss a recent treaty fixing the duties to be paid on beaver and deer skins, tobacco, etc.[1]

It may be inferred from the above and from other facts that there must have been some sort of consultation to find out the wishes of the people on questions of public concern. The fact that, when serious divisions arose at Quebec among officials of the council, each side claimed to represent public opinion tends to confirm this impression.

All administrative power in New France remained in the hands of the *Conseil* and of the intendant, who looked after the interests of the people.

Under the British Régime

For nearly eighty years, under the British régime, local government in Lower Canada was managed in almost the same way as before the Conquest. Until 1840 the province enjoyed no municipal rights; local authority, corporations with a mayor, rural police, were unknown, even in the Eastern Townships with their English population.

A few laws only can be found in the statute-book bearing on local affairs, the most important being 36 George III. This had reference to the opening and maintenance of country

[1] To convey an idea of the scope and variety of the ordinances, we give the titles of a few of them:

Arrêt du Conseil supérieur qui ordonne à ceux qui ont des chardons sur leurs terres de les couper entièrement chaque année.

Arrêt du Conseil supérieur ordonnant que les habitants s'assemblent pour délibérer sur le traité fait pour les droits qui se perçoivent sur les Castors, orignaux, boissons, tabac.

Arrêt du Conseil supérieur ordonnant de convoquer une assemblée des habitants pour faire l'essai du pain et en régler le prix.

Ordonnance qui enjoint à tous les habitants de mettre des carcans à leurs cochons et qui permet de les tuer lorsqu'ils seront trouvés en dommage sans carcans.

Ordonnance qui fait défense de laisser vaguer les cochons dans les rues.

Ordonnance portant que les capitaines des côtes iront les premiers aux processions après les marguilliers, suivis des autres officiers de milice et qu'ils auront le pain bénit avant les habitants.

roads, under the direction, in each district, of an officer called *le grand voyer*, with local assistants (*sous-voyers*) and inspectors. Several legislative enactments were intended to protect agriculture with regard to watercourses, destruction of weeds, etc. The policing of the rural districts was left in the hands of militiamen or *capitaines des côtes*.

When Lord Durham came to Canada to study the causes of various complaints made in both sections of the country against the government, he was forcibly struck by the absence of municipal institutions. Perhaps no one has given a better description of the state of affairs than this high official. After commenting strongly upon the bad organization and imperfection of the system at the seat of the government, and casting a glance over the situation, he wrote :

> In fact, beyond the walls of Quebec all regular administration of the country appeared to cease ; and there literally was hardly a single public officer of the civil government except in Montreal and Three Rivers, to whom any order could be directed. The solicitor-general commonly resides at Montreal, and in each of the districts there is a sheriff. In the rest of the province there is no sheriff, no mayor, no constable, no superior administrative officer of any kind. There are no county, no municipal, no parochial officers, either named by the crown, or elected by the people. There is a body of unpaid Justices of the Peace. The officers of the militia used to be employed for purposes of police, as far as regarded the service of criminal warrants ; but their services were voluntary and not very assiduous ; and the whole body is now completely disorganized.

According to Lord Durham one of the chief causes of the troubles in Lower Canada was the absence of municipal institutions. If they had existed the people would have received some training in self-government and have been prepared for the more important and more complicated work in the legislative assembly.

> The utter want of municipal institutions giving the people any control over their local affairs may indeed be considered as one of the main causes of the failure

> of representative government and of the bad administration of the country. If the wise example of those countries in which a free representative government has alone worked well, had been in all respects followed in Lower Canada, care would have been taken that, at the same time that a parliamentary system, based on a very extended suffrage, was introduced into the country, the people should have been entrusted with a complete control over their own local affairs, and been trained for taking their part in the concerns of the province, by their experience in the management of that local business which was most interesting and most easily intelligible to them. But the inhabitants of Lower Canada were unhappily initiated into self-government at exactly the wrong end, and those who were not trusted with the management of the parish, were enabled by their votes, to influence the destinies of a State.

The keen observation that marks almost every page of Durham's Report seems for once to be at fault. The habitants had never complained of the want of municipal institutions, as such things were unknown to them. This perhaps may have impeded the development of the country, but it did not otherwise affect the parishes of Lower Canada. If Durham had lived a few years longer he would have witnessed the benefits that resulted for Lower Canada from the remedy he himself had suggested, namely the introduction of ministerial government even before the establishment of municipalities.

But of all the vices of administration in Lower Canada the most objectionable in the eyes of Lord Durham seems to have been the absence of such institutions in Quebec and Montreal. In these cities little attention was paid to the comfort and security of the inhabitants; the streets were at night in complete darkness, and affairs generally were in a disgraceful state. For this condition of things the legislative assembly seems to have been blamed.

It must not be forgotten in this connection that in 1831 the house had passed a bill giving municipal power to Quebec and Montreal, and that this bill had been reserved

for the pleasure of the crown. The bill became law in 1834, but was repealed in 1836 when the agitation in the legislature had reached its climax.

In 1840, at Lord Sydenham's suggestion, the first general municipal law appeared in the statute-book. There was then no parliament, the constitution of Lower Canada having been suspended in 1838 and all authority placed in the hands of a special council. The ordinance of the special council establishing the municipal system enacted that Lower Canada should henceforth be divided into districts.

At the head of each of these districts were to be wardens appointed by the governor—mark the point, not elected by the ratepayers. Each parish had the privilege of sending one or two councillors, according to its population, to the district council, which was entrusted with the care of opening and maintaining highways, building and repairing bridges, and levying taxes for school purposes and expenses connected with the public interest. Strange to say, this law, which empowered the governor to appoint all important officers, entrusted the people with the duty of electing the subordinate officials. It would have been more logical to have given the council authority to appoint its servants.

The ordinance also placed too much power in the hands of the governor—for the purpose, it was hinted, of influencing elections. A municipal council with its very leaders at the beck and call of the executive at Quebec did not deserve the name of local government by the people.

Another clause of the law contained a very objectionable feature; it gave the councillors power to levy taxes in a country where taxes, save under the form of customs duties, had been unknown for years. Moreover there had existed in Lower Canada, ever since the time of Bigot, a most decided opposition to taxation. The exactions of that proconsul during the last days of New France had left a fatal impression that lingered from one generation to another. The taxes provided for in the ordinance could not indeed be compared to the oppressive imposts by which Bigot had tried to exact the last sou from the colonists. Nevertheless petty politicians used the term 'taxation' to rouse and inflame the minds of

the habitants, then inclined to be carried away by agitators. The law remained, however, a dead letter in the statute-book. The province was then under a cloud. The troubles of 1837 and of the following year, the execution of several patriots, more misguided than guilty in their revolutionary conduct, and the exile of forty-five others to Australia, had provoked a feeling of deep depression all over Lower Canada.

In this state of mind the habitant was only too prone to look with distrust at everything coming from his rulers. This sentiment was carried so far that when Lord Sydenham issued a very simple and much-needed order requesting the people to use a certain kind of vehicle in order to keep the winter roads in better condition, they refused to comply.

To the great mass of habitants the special council recalled unfortunate events—loss of political liberty, absolutism installed in the place of popular government. Had not Colborne—whose name was closely connected with the execution of Canadians in 1839—formed part of this hated body —Colborne, who, when he had been made Lord Seaton, was called by Papineau 'Lord Satan'? Anything coming from such a body of men was bound to be distrusted, even if it were good and necessary legislation.

The time to introduce a new state of affairs, therefore, had been ill-chosen for the reasons just given; and there was yet another reason. It had been decided in London to unite under one government Lower Canada and Upper Canada with the avowed design of annihilating French influence. When the Act of Union was passed many leading Canadians raised an agitation to have it repealed. Was it not natural that the people should look with distrust on anything connected directly—or by the slimmest ties—with the Union scheme? Hence arose one of the motives for the strong dislike of the habitants for municipal laws. It was to them nothing but a device to oppress the people and extract money from the poor—a *machine à taxer*. This gross misrepresentation contributed greatly to prejudice the popular mind.

However, the day for municipal institutions had come; their introduction could not be delayed, as they were required

to give the people a primary education in popular government, rudimentary rules as to the management of public and local matters by themselves, and an apprenticeship for much higher functions at the capital at Quebec.

In 1845 Denis Benjamin Papineau, a brother of Louis Joseph, prepared a municipal law that was carried through parliament. It was a complete departure from the previous one in this particular, that it gave the people power to choose all the officers for the council. In 1847 another law (Badgley's) was passed reverting, on one point, to the Sydenham system of creating a municipality with a single council for a whole constituency or a set of parishes. This again was altered in 1855 when Lewis Drummond re-established parish councils while retaining the county municipality. The municipal lawof to-day still retains the main lines of the Drummond Act. In 1845 the revenue derived from tavern licences was placed in the hands of municipal authorities, and thus the cause of popular government was greatly advanced. Other modifications were introduced in 1860. Finally, in 1871, the Quebec legislature revised the municipal law and classified its different subjects, and this revision constitutes the present municipal code. This, together with the *civil and procedure codes*, presents all Quebec laws in a clear and handy form.

The present law provides for the creation in each electoral district of two municipal bodies, one having charge of the general interests of the county and the other looking to the local affairs of each parish or township. The local body is composed of seven elected councillors ; these choose their president, who is called the mayor. The presidents of the different parish organizations meet to form the county council, the chairman of which is chosen from their ranks by themselves and is styled the warden or *préfet*.

Local municipal councils have the control of roads and bridges, and decide where boundary ditches are to be made. They have the power to prohibit the sale of intoxicating liquors or to limit the number of tavern licences, and to establish pounds for the keeping of stray animals. It is also within their province to pass by-laws to protect the morals of their community. They have power to tax

personal property and real estate for municipal purposes, to contract loans for public works, to issue debentures, etc. The by-laws authorizing these things must be submitted to the electors for their approval and then referred to the lieutenant-governor for his assent.

It is within the power of the higher council to impose taxes for county purposes, and to prohibit the sale of intoxicating liquor in every parish under its jurisdiction, with the sanction of the majority of the local mayors duly authorized to that effect by their respective councils. It is also empowered to look after roadways and bridges between the different parishes. Power of appeal, also, lies from local township decisions to the county council.

Municipal bodies are established all over the province, are perfectly understood by the people, and work as harmoniously as in any of the other parts of the Dominion.



CITY GOVERNMENT

CITY GOVERNMENT

In New France

UNDER the French régime the two good-sized fortified *villes* of Quebec and Montreal could not properly be classed as cities, and no other centres in New France even pretended to urban character. Such importance as Quebec and Montreal had was due to their situations and not to their size or organization. They resembled rather communities like the Mombasa or Sierra Leone of the present day—strategic outposts of civilization in a savage continent. Thus in 1754 the population of Quebec was about eight thousand souls, including the troops (though in 1739, before many troops came, it had been only four thousand six hundred); that of Montreal and its garrison was four thousand (the same as it had been in 1739). Their rustic quality can be divined from the appearance of the buildings of this French period shown in a few rare old pictures, even as late as the well-known Sproule coloured copperplates of Montreal in 1830, particularly the quaint one of the Place d'Armes showing stone cottages on the west side.

In both *villes* two admirable things had been done: first, their *sites* were ably chosen, by Champlain; and second, both towns were *planned*. One of the first projects of Governor de Montmagny, after having fortified Quebec, was to prepare a plan for the city, to lay out, widen and straighten the streets. Possibly, like Bruce, he consulted the spider, if we are to judge from the Lower Town of to-day. By November 17, 1623, a roadway leading to the Upper Town had been made, less dangerous than that which had previously existed.[1] In Montreal it was the merry soldier-

[1] Sir J. M. Le Moine, *Picturesque Quebec*, p. 23.

priest, Dollier de Casson, the first historian 'of the Montréal,' who, as superior of the Seminary of St Sulpice, the seigneurs of the island, laid out the streets in 1672. His rectangular plan[1] was much admired by Peter Kalm in 1749, and even to-day serves counting-house duties very fairly, although the widest street, Notre Dame, was but thirty feet, and few of the side streets were more than eighteen.[2] The narrowness, however, of Notre Dame, even though now widened to fifty feet, permits to-day only a single line of street cars, and an underground subway is imperatively required to relieve the congestion of this business centre. None could foresee that Montreal would some day be a city of a million souls. Who shall say what may be needed a century from now ?

Under the French, the intendant of the province provided for the primitive parish requirements of the *villes* by his ordinances, just as for the country in general.[3] This principle was adopted by the British army officers who governed the conquered province from 1760 to 1763, and by the civil governors and their councils who followed, up to the passing of the Constitutional Act of 1791, by which a provincial assembly was established which thenceforward became the source of municipal legislation.

The government was rigidly paternal. Recorder Weir thus summarizes the picturesque fire ordinance of 1768 :

> In 1768, to provide against conflagrations, the Council ordered that in Montreal, Quebec and Three Rivers chimneys be cleaned once in four weeks during the winter time, from the first of October to the first of May. Every householder was required to be provided with two buckets for water, made either of leather or sealskin, or of canvas painted without and pitched within and holding at least two gallons each. Every householder was required to keep a hatchet in his house to assist in pulling down houses to prevent the spreading of the flames, and two firepoles of specified length and

[1] The original of the 'Grid-iron Plan' is usually attributed to Penn's Philadelphia, but that place certainly did not inspire the plan of Montreal.

[2] Wm. McLennan, *Semi-Centennial of Montreal Board of Trade*, p. 17.

[3] R. S. Weir, *Municipal Institutions in Quebec*, p. 39.



QUEBEC

(1) THE INTENDANT'S PALACE (2) THE URSULINE CONVENT

From the John Ross Robertson Collection in the Toronto Public Library.
Drawn by Richard Short, 1760

design, to knock off the roofs of houses on fire or in danger of becoming so. Every householder was also required to keep on the roof of his house as many ladders as he had chimneys. Wooden houses were thereafter forbidden and restrictions placed on the 'use of shingles' and other regulations were made.

The Early British Period

From the Conquest in 1759-60 to the Cession in 1763 the military authorities controlled the affairs of the towns. From October of that year to the Quebec Act of 1774 the governor-general and his executive council managed them by ordinances. After the Constitutional Act of 1791 the parliament then granted took up the control, and the magistrates were empowered to execute its ordinances.

Restless under arbitrary rule, the Quebec Grand Jury of 1764 in its noted 'Presentment'[1] demanded regulations regarding markets, firewood, carts and carriages, street-cleaning, chimney-sweeping, schools, a poor-house, the abolition of gaming-houses and the use of lanterns. In 1777 an ordinance was passed 'to empower the Commissioners of the Peace to regulate the Police of the Towns of Quebec and Montreal for a limited time.' It was worded very generally and was renewed every two years till 1791.

In 1785 the merchants of Quebec reported to the executive council, among other things, regarding

> whether or not we should Apply for a Charter incorporating a select number of Citizens on some good and approved plan, with power to make Bye Laws, decide civil and Criminal causes under certain restrictions, whether under the Stile and Title of Recorder, Mayor, Alderman, and Common Council of the City and County of Quebec and the Precincts and liberties thereof or under any other Denomination ?
>
> Observation.—The wretched state of the Police of the City of Quebec is too obvious to need explanation. The Regulations that are made, however useful and proper, are but little attended to, and ill executed ; the Magis-

[1] See 'English Settlements in Quebec' in this section.

> tracy is unconnected, without a Head, and without inferior Officers to put the Laws in force, their Mandates want efficacy and do not enforce subordination in the People. There is, there can be, no remedy but a Chief Magistrate with subordinate officers to put the Laws in force and keep up peace and good order in the Towns. A Charter to incorporate the City of Quebec for the above and other good purposes would, we humbly apprehend, be attended with salutary effects.[1]

The city of Montreal was reported as 'under the like predicament with that of Quebec.' In 1786 the merchants of that place report similarly to council: 'There can be little doubt, that many Objects of Police will be best provided for, by means of incorporating the Town of Montreal by charter.' They called for an inspector of police on account of 'the bad state of the Police of this Town calling loudly for reform.' In the event of incorporation they ask for ground for 'erecting Schools, workhouses and other Establishments of Public Utility'—surely a modern phrase! They ask also for liquor licence restrictions and a fire law amendment 'that no wooden fence or building of Wood of whatever description soever, be erected in the Town of Montreal in future under a severe Penalty.'

The Early Nineteenth Century

In 1799 an important act was passed—to repair and change roads and bridges, the two cities being constituted districts, under the supervision of the justices of the peace. Inspectors and treasurers were named by the government as well as assessors to make valuation rolls for purposes of assessment. In 1802 the magistrates were authorized to impose the rate of assessment, not to exceed sixpence in the pound on the annual value of real estate, payable by the occupant. In 1807 a new market was ordained for Montreal, the magistrates being named as trustees for its erection, with power to borrow £2500, to let stalls and appoint employees. In 1815 a bread law was passed. In 1819 wooden roofs were

[1] *Constitutional Documents, 1759-1791*, Shortt and Doughty, 1907, pp. 617-18.

ordered to be painted, and weigh-houses established. In 1827 the erection of St Ann's Market at Montreal was authorized, and other market laws followed within the next few years. The by-laws of the magistrates covered many details, such as the places where leather, fish, meat, sugar, cloth, tobacco, etc., could be sold, and cattle killed.

In 1800 an engineer for Montreal was appointed by the legislature at a salary of £200 a year, to direct the opening of new streets, with jurisdiction beyond the old limits. He quickly paved St Paul and Notre Dame Streets, the two principal arteries, and opened several new ones under the direction of the magistrates. In 1821 Dalhousie Square was formed by levelling the alluvial hill known as the Citadel. Part of the earth from this hill was used to enlarge the Champ de Mars, which had been restricted to two bastions of the fortifications; part also went to fill up a pond and make a third embellishment—Viger Square.

The fortification walls of Montreal had fallen into ruin and stood in the way of the extension of the town. In 1797 the citizens presented a petition to the governor asking for their removal and in 1801 an act was passed for the purpose, partly 'for the convenience, salubrity and embellishment of the city.' Three commissioners were appointed, and their enlightened management of the business resulted in great permanent advantages. The old line of the walls is roughly represented by Fortification Lane, the east side of McGill Street and Commissioners Street. It runs through the centre of the Champ de Mars, where after a light rain the angular lines of the old bastions can still be discerned on the surface.

The First City Charters

Municipal institutions in general were only introduced into Canada by the Municipal Act of 1840, on the recommendation of Lord Durham's Report, but as the country parishes raised an outcry against adopting them, the power was altered in 1845, practically withdrawn in 1847, and only became effective after 1855. A Town Corporations Act came in much later. But cities have always been governed

—until the Cities and Towns Act of 1903—by individual charters. Hence Quebec and Montreal—the legislation for which places was at first always identical—obtained special charters from the legislature in 1832. The grant was directly due to a strongly worded and strongly supported resolution forwarded by a large meeting of the citizens of Montreal, held on December 6, 1828, wherein they complained of the insufficiency of power in the magistrates' government to cope with the police and financial problems of the prosperous town, the long-neglected harbour, the insanitary conditions of surrounding swamps, and the lack of a general and effectually prosecuted plan of improvements. The population of each of the places was at the time about 40,000 souls.

In response the legislature first appointed a harbour commission, and in 1832 granted both cities their first charters of incorporation. They were divided into wards and given each a city council of two members for each ward, with power to elect a mayor and to take over the powers formerly exercised by the magistracy, as well as all the general powers necessary to a small town of that period. Every adult owner of real estate was an elector.

The first mayor of Quebec was Elzéar Bedard, an advocate, later a judge. The first mayor of Montreal was Jacques Viger, whose name is commemorated in 'Viger Garden,' now Viger Square, an advocate, well known among students of Canadian history as the first of local antiquarians. In 1836, owing to the troubles leading to the Rebellion, renewal of the charters was refused, and Lord Durham remarked in his Report on the disgraceful condition of the streets and the complete absence of lighting, which seriously affected their comfort and security.

The Second Charters

In August 1840 a new charter was granted, the first councils being named by the governor-general. The Hon. Peter McGill as mayor and eighteen councillors sat for Montreal.

Thus ended the old régime of magistrates, a reflex of Old



PETER McGILL.

From an engraving in the Dominion Archives

Country conditions of the eighteenth century, complicated with the race and illiteracy problems of the province, the latter being the root cause of the former and of most of the difficulties and peculiarities of the history of the province.

At first a system that now seems to us antiquated prevailed, because it was thought to protect property. Each ward elected two councillors, and the body of councillors then elected six aldermen from among the citizens. This 'two chamber' arrangement was in imitation of that still in force in England and in some older cities of the United States, and is still continued in the city of Quebec. But in Montreal the Board of Aldermen has long been abolished and was not adopted elsewhere in the province. It was of course originally based on the analogy of the Lords and Commons, with the sovereign represented by the mayor.

Up to 1850 the history of city government in the province was practically that of the twin progress of Quebec and Montreal. But the element of large, active and interesting progress was soon to be confined to the story of Montreal, thenceforth marked out by its situation as the metropolis of Canada. Hugh Gray, an acute English traveller, in his *Letters from Canada*, writing in 1806, declares that

> the River St Lawrence must ever be the grand outlet to the ocean for the productions of all that tract of country between the United States and Hudson's Bay, including the Lakes Erie, Ontario, Michigan and Lake Superior; and *there can be no doubt that Quebec is the key of the River St Lawrence . . . it will continue Quebec as the first city in the Canadas*; perhaps it may become the first in America. . . . Montreal is at the head of the ship-navigation from the ocean, and the bateau and canoe-navigation from and to Upper Canada must commence and terminate at Lachine near Montreal. From these circumstances Montreal bids fair to rival Quebec in commerce; it is more convenient as a depot for produce. But . . . Quebec must ever be the great shipping place.

At that date and for several decades their populations were nearly equal. But Gray's prophecy has not been entirely fulfilled; for with the deepening of the ship channel

from Quebec to Montreal by the energetic Harbour Commission formed in 1851, and the arrival the year before of the first foreign vessels to take in cargo, a new era began for the latter city. The ship channel, which was at first only eleven feet deep, was in three years deepened by the commission to fourteen feet, and has ever since been constantly improved, until at the present time (1913) it is thirty feet and is being further deepened to thirty-five, as well as cleared of ice by powerful ice-breaking steamers in the spring. Some distinguished experts are bold enough to promise that by the extension of this system Montreal will ultimately boast a harbour and channel open twelve months in the year.

Progress has increased the population of the community from 55,000 to 700,000, creating, from that fact alone, the problems of a very large city—problems that differ in many vital respects from those of a small city. In the same time the harbour tonnage has grown from 58,600 to 6,750,000; the city revenue from $160,000 to $12,000,000; the area from about 5000 acres to about 30,000. These general statistics indicate the magnitude of the changes during the period.

Municipal Development of Montreal

Streets.—Of separate items of development, streets, the essence of a city's structure, may first be considered. The old French plan of Montreal served its purpose very well. But even towards the close of the French period *faubourgs*, or suburbs, had begun to form. In 1775 the *faubourgs* contained an appreciable population, and presented an address to the American invader, General Montgomery, declaring that 'though the citizens of Montreal have despised and daily do treat us with contempt, we declare that we abhor their conduct towards our brethren and friends.'

By 1800, as we have seen, a town engineer was necessary, and was given jurisdiction beyond the town limits. His activities were not confined by the magistrates to St Paul and Notre Dame Streets. In 1815 they ordered Guy Street to be opened; in 1817 King Street, Queen Street, Prince Street, St George Street, Nazareth Street, and, west of the



MONTREAL, 1830

(1) NOTRE DAME STREET (2) ST JAMES STREET

From the John Ross Robertson Collection in the Toronto Public Library

wall, St Gabriel Street, in 'Griffintown,' on the lands of the Little Seminary; and St Maurice Street, and the prolongation of St Paul Street to McGill Street. This last name is a reminder that the three widest commercial arteries of the city were due to the removal of the fortification walls after 1801, carried out by far-sighted commissioners, one of whom was Peter McGill. The three arteries are McGill Street and Craig Street, both eighty feet wide, and Commissioners Street, one hundred feet. A map of the city in 1843 shows the network of the old French town developed as far up as St Catherine Street and from St Denis Street to St Alexander Street—about doubling the built area, though the city limits were now roughly twice as large as the built area, which was surrounded by wide fields. Of the thoroughfares running east and west Dorchester Street was only open in two parts, but the older Notre Dame and Craig Streets had been extended to considerable distances. Sherbrooke Street was only partly opened and scarcely inhabited. The condition of these streets outside the old town was very bad, for even macadamized roads were then rarities.

In 1850 the population had become dense at the centre, being still largely huddled within the limits of the former fortification walls, notwithstanding the opening of the *faubourgs*. Fine mansions lined a number of the streets (they were little more than lanes) of the old town. A large garrison force gave life to the place and kept the old part not unfashionable. But soon after 1850 a movement took place out to the slopes and heights above the city, attractive from their spacious, healthy and beautiful conditions. For a time it was a question whether the movement would go far, and Viger Square in the near east and St Antoine Street in the west became the favourite residence quarters. But continued expansion drove the more prosperous classes farther up, to the St Catherine Street and Sherbrooke Street plateaux, the French tending slowly eastward, the English rapidly westward. Finally the neighbourhood of Mount Royal became established, perhaps permanently, as the choicest site of the city. With each of these movements private proprietors were glad to offer their real estate, and builders and

speculators to open ways of communication. Coté, Chenneville, Lagauchetière, Vitré, Sanguinet, Chaboillez, Bleury, and Busby Streets, are some of the nearest to the old town and the earliest to be opened, the names being those of early citizen families of the *faubourg* days. The width of these streets was small—that of Chenneville Street, for instance, being but thirty-three feet. The movement after incorporation is rather represented by Beaver Hall Hill, leading to the first or St Catherine Street plateau, by the well-planned Beaver Hall Square and Phillips Place and Square, the ideas of Thomas Phillips, builder, who had bought and subdivided 'Beaver Hall,' the country-place of the 'Nor'wester,' Joseph Frobisher. Phillips made Beaver Hall Street sixty feet wide, and stipulated that only handsome and harmonious houses should be erected. This seems to have set the proprietors of the two plateaux to effective subdividing, and the city council was called upon to open up arteries running east and west—Dorchester, St Catherine and Sherbrooke Streets. To the west, the long farms running down the slopes belonged to the chief 'Nor'wester' families and their successors, such as the McGills, McTavishes and Simpsons. The names of their properties and families are easily recognizable in some of the avenues. Here Sherbrooke Street West was made eighty feet wide. Sherbrooke Street East was later made one hundred, but the earliest part of the street stands at fifty-five feet.

To-day, in 1913, the city has accelerated its already rapid growth, expanded in all directions, reached out to the shores of the Black River, extended many miles up and down the St Lawrence, surrounded Mount Royal, thrown a stream of residents across the St Lawrence, and become contiguous to Lachine, once nine miles to the west. Altogether the real city or contiguous group of population numbers about 700,000, with the prospect of a million early impending and much more beyond.

It is now seen how inadequate are the once sufficient thoroughfares. Notre Dame and other streets in the old town—now the banking and shipping centre—were widened a generation ago to fifty feet, yet still permit only one surface street car line, and now need subways to meet the central

passenger congestion. St Catherine Street, 'uptown,' which twenty-five years ago became the chief retail avenue, is but sixty and sixty-four feet wide and admits but two car-tracks and a single vehicle on each side of them, and, never having been effectively widened, now urgently requires relief by parallel thoroughfares. Twenty years ago this street could have been widened at little cost, but the chance was allowed to slip. Montreal, in fact, is in desperate need of city-planning, and the longer this is postponed the more serious will the situation become. The legal width of new streets here as throughout the province is now sixty-six feet, but is only too frequently departed from by permission of the provincial authorities at the instance of real estate speculators.

Street widenings have had to take an important place in the progress of the city. Notre Dame, St James, St Lawrence (Main Street) and St Antoine Streets have all been widened. Still, it cannot be said that Montreal or its suburbs contain a single first-class boulevard.

Water.—Next in importance of the elements that make for a city's prosperity is a water system. The French town of Montreal was small, and bordered on the St Lawrence. To the end of the eighteenth century, therefore, the problem was one of water-barrels and wells ; there were several town-pumps, among other places on the Place d'Armes, on the old Market Place (now La Place Royale), and near the Court House. But as the town grew, the need of water-works became pressing, and in 1801 an aqueduct was incorporated with a fifty-year exclusive franchise.

The water was drawn from well-known springs on the back of the Westmount Spur of Mount Royal, whence it reached the city through the present territory of Westmount, being distributed by gravitation through pine-log pipes, some of which are occasionally dug up in excavating. The supply, however, was uncertain, so that in 1815 a new company bought out the rights of the franchise for less than half the capital. The new company, managed by Thomas Porteous, pumped the water by steam from the river and put in iron pipes. The reservoirs, of 240,000-gallon capacity,

were in the topmost storey of a three-storey stone building on Notre Dame Street East, the lower floor of which was at one time rented to the city council; and it is related that during one of the sessions a reservoir burst, nearly drowning the mayor and councillors.

Private management of the water supply of a city is always more or less unsatisfactory, owing to the vital necessity of securing the best possible water and the best obtainable arrangements. So in 1845 the city was forced to buy out the company and extend the intake into the river. Finally, in 1852, was set on foot the great enterprise of drawing an adequate supply from the Lachine Rapids, five miles above the city, by means of an open canal and pumping the water by its own force for distribution to an ample reservoir on Mount Royal and thence throughout the town. The plan was successfully carried out under the supervision of the well-known engineer, Thomas C. Keefer, and is the system by which—with large expansions and improvements—the mass of the city is still supplied.

Meanwhile, with the expansion of the population an extensive private corporation—the Montreal Water and Power Company (organized in 1891)—has grown up, and, beginning by serving two of the satellite suburbs which till lately formed a mass of separate urban municipalities, but are now mostly absorbed into Montreal, has ringed the territory served by the public waterworks system and presents the spectacle of a double system in the same city. Of much service in the early stage, it is now at times the subject of lively discontent, and is about to be purchased by the city.

Health.—Next to streets and water and intimately connected with them stands the public health system of a city. Given a good water supply, both for drinking purposes and to flush out the sewers, and proper street lines for sewers, the first requisites are present. The next, while the city is small, is largely a matter of good minor measures and of adequate inspection and enforcement. Montreal got along passably during the first stages of its development. True, the infant mortality was high, and occasionally an

epidemic made some ravages. But as the population grew large and constructions decayed owing to weak and careless municipal government, very bad conditions gradually began to show. In 1879 an English town engineer, F. P. Mackelcan, published a pamphlet entitled *Our Health and our Diseases: Condition of Montreal*, in which he says:

> In this city are to be found the filthiest wooden drains and under houses, and cellars into which vegetable and animal matter has been thrown until the stench is fearful, and the door kept closed; and there are yards worse than hog pens, and filthy privies, one story, two stories, and even three stories high, all of wood and saturated with sewage. Even when 'modern improvements' have been carried out many houses have in them such thin, cheap soil pipes that they are rotted or eaten through in holes so that the sewage trickles down outside. Domestic habits add to these evils. . . . The numbers of children in this city that are unwisely fed and clothed and ill-cared for is perfectly wonderful, and we have an awful multitude of humpbacks and cripples and blind, besides those that annually succumb.

Better management has much abated these evils. But within the past five years it has become evident that the evils related are now taking a still graver form as results of the darkly menacing process of congestion which always forces itself forward as the mightiest enemy of cities of very rapid expansion.

In all cities the natural tendency is for business to concentrate around the focal district. In this way population too becomes concentrated, since it is disadvantageous for the worker to live far from the scene of his work. The results are density, overcrowding, close and high building, small and inferior dwellings, high rents, dark and insanitary conditions, tuberculosis, a high death rate and an especially excessive infant mortality—all influences that weaken and discourage the people and gradually destroy them. Such are the special evils with which at the very large city stage Montreal finds itself face to face. For several years the Parks and Playgrounds Association had been struggling to preserve breathing-spaces and to provide recreation for the

children of the districts most affected, when in 1908 the federation of the sociological reform societies, entitled the Civic Improvement League, took up the question, and in 1910 obtained from the provincial government a royal commission to study the conditions—known as the Metropolitan Parks Commission. The commissioners rendered their Report in 1910, and emphasized the great need of action by means of a permanent city-planning body to provide a system of breathing-spaces, parks and avenues of transportation, and to assist in housing reform, as in the older centres of the civilized world. By means of the Union of Canadian Municipalities the idea of city-planning has been disseminated from Montreal throughout the cities of the Dominion with considerable fruit. It is seen that easy and cheap transportation must be provided to and from the congested points, that wide spaces and proper recreation grounds must be laid out and fitted up—that, in a word, as many as possible of the advantages of the country must be brought into the city, and a systematic fight of prevention as well as cure waged against slums and unhealthy conditions.

Street Railways.—The problem of street railways and rapid transit is intimately connected with that of congestion. For if the worker, after his day's toil, must be kept waiting for a car, or compelled to stand for want of a seat, or mulcted in excessive fares, he gives up the attempt to escape, with his family, from the deadly conditions and high-rent landlord of the business centre. Street railways on the Island of Montreal began in 1861 with the organization of a small horse-car service under the City Passenger Railway Company. The name was changed some years later to the Montreal Street Railway Company. The service was poor but not indispensable, owing to the limited size of the place. In 1894, however, it was electrified, good and rapid cars were put on, the tracks relaid and vastly extended. Two outside lines, the Montreal Park Island and the Montreal Terminal, sprang up. Fares within the city were five cents, or six tickets for twenty-five cents, or during 'workmen's hours' eight for twenty-five cents, the whole with un-

limited transfers. In 1911 all the lines on the island were merged under the name of the Montreal Tramways Company, and a new franchise for forty years ordered by the legislature. A new contract is now spoken of, but no definite proposal has yet been made. The details of the merger were left to be fixed by the Public Utilities Commission of the province, which permitted the alleged increased value of the franchise to be capitalized—at $6,000,000—a decision that the majority of the inhabitants, considering the franchise to be a vanishing one with the gradual lapse of its term, regard with disfavour.

Lighting.—Next to health, and intimately connected with the street railway as a service now chiefly electrical, comes lighting.

The town had remained unlit until 1815, when private citizens of enterprise put up twenty-two good lamps on St Paul Street West; these were quickly followed by others on St Paul East and Notre Dame Streets. This brought about a statute establishing a system of street lamps, and twenty-four lamplighters, who also acted as guardians of the city.

The New City Gas Company of Montreal, a rival to the Montreal Gas Light Company chartered in 6 William IV, was established by statute in 1847, with the consent of the city corporation, which had the right to expropriate its works and stock. In 1872 it was allowed by this body to extend into the suburbs, and in 1879 to use electricity and other illuminants besides gas, but only after obtaining an agreement with any municipality directly concerned. In 1901 the New City Gas Company was allowed to merge with the Light, Heat and Power Company as a virtual monopoly. About a dollar a thousand feet is charged for gas of inferior quality. The earliest electric corporation was the Montreal Telegraph Company, incorporated in 1847 by statute of Canada, but which, as a mere line of passage, scarcely affected the city.

Franchise Abuses.—The new Montreal has proved a happy hunting-ground for dishonest promoters of electric

corporations, and through corruption and carelessness in both the Dominion and provincial legislatures, it seemed for years as if any daring group of charter-sharks might work their will in defiance of the municipal authorities and citizens. Their work was so much the easier on account of the numerous vast water-powers in the neighbourhood. Since 1901, however, the process has met with much opposition, and has abated. In that year an outrageous and corrupt abuse of legislative power was perpetrated at Quebec in the Light, Heat and Power Company's Act, whereby not only were all the electric companies of Montreal merged into a monopoly based on the Royal Electric Company of 1884, but the combination was granted power to tear up, and plant its poles and wires at will upon, all the streets both of the metropolis and of the cities and towns forming its suburbs, and of any municipality within a radius of a hundred miles of it! The storm of popular indignation burst without effect upon the shameless parties to this transaction, buyers and bought alike. One of the results, however, was the immediate formation of the Union of Canadian Municipalities, which has since achieved great success in protecting the community from similar attacks upon its rights.

Montreal, like Toronto and other cities of Canada, has suffered from the similar powers to encroach on streets inadvertently granted by the Dominion parliament in 1880 to the Bell Telephone Company. Of recent years, after much hard fighting, the Union of Municipalities has obtained satisfactory restrictions upon this company, which affords, on the whole, a reasonable urban service and has not been allowed to raise its rates, being now made subject to that useful board, the Dominion Railway Commission.

These struggles have served to accentuate great principles of civic life—the necessity for public spirit, the importance of municipal control of streets, the vital doctrine of no monopoly or virtual monopoly without complete public control, the obligation on franchise holders to furnish good service at not more than fair rates and conditions, the right of the poor and weak citizen to the faithful service of the rich and strong, and the advantage of vigorous public opinion.

Public Utilities Commission.—In 1910 difficulties with monopolistic franchises brought about the appointment of the Public Utilities Commission for the province, the purpose of which in general is to control their profits and exactions. It is composed of three members, and considerable hopes have been based on its constitution ; but thus far it has been hampered by imperfect powers and technical objections. As the principle is good, it will probably in time justify its existence. Its first important decision was that concerning the Montreal Tramways Company.

Commission Management.—In 1909 it had become evident that the city of Montreal had outgrown the system, well suited to towns and small cities, of management by a council of ward aldermen. A directorate of forty-six men, each demanding and expected to demand everything possible for his ward, and *per contra* regardless of the general public benefit, together with the proportion of black sheep attracted by the opportunities of a cumbrous group of numerous small committees, resulted in numerous scandals and the neglect of crying needs. Roads, side-walks, parks, finances, sanitation, staff, contracts, franchises, were all in a chaotic, backward and unsatisfactory state, notwithstanding the efforts of a number of able aldermen and officials.

In response to an overwhelming public demand the government appointed a judge to inquire into the complaints, and on his rendering a startling and severe report, a law was introduced permitting the introduction of government by commission, and that form of government was adopted by practically unanimous vote of the citizens on September 23, 1909. Early in 1910, therefore, a managing commission of five, including a mayor, was elected—the mayor for two, the other commissioners for four years—and the council was reduced to half its former number. The powers of the commissioners (also called ' controllers ') are (1) to prepare the budget ; (2) to make all recommendations concerning expenditures ; (3) to arrange all franchises, debentures and loans and to give out all contracts ; (4) to ask and accept all tenders ; (5) to make all purchases ; (6) to inspect and

oversee all works; (7) to nominate the principal heads of departments and their staffs; and (8) to dismiss and suspend all officers. No decision of the board takes effect until approved by a majority of the members present in the council. The mayor receives $10,000 a year, the members of the board $7000 each. The system has proved very effective. It has brought about speedy and business-like treatment of civic matters, is marked by progress and publicity, and relieves the aldermen of loss of time and burdensome labours.

Legislation.—The relations of the city with the legislature are the subject of frequent discussion. As in the United States, the anomaly of control of a powerful metropolis by a small body of assemblymen coming chiefly from more backward rural districts and entirely lacking experience of the nature and needs of large, or indeed of any, cities, has often had grave consequences where speculators have been engineering rapacious schemes. The worst have been electric franchises, several of which have been most daring and predatory and have involved the legislature to a more than disquieting degree. More than once the threat has been made in return that the metropolis will leave the province, of which it contributes more than two-thirds the revenue and promises in a few years to have over half the population. Perhaps the remedy may be found in representation of the urban population on an equal basis of voting power with the rural, which at present has a ridiculous advantage. The urban division of Hochelaga (part of Greater Montreal) with nearly two hundred thousand souls had lately one member, like Vaudreuil and l'Islet, with under ten thousand each! Another solution that has been put forward has been 'Home Rule for Montreal,' the principal proposal urging that instead of being obliged to return each year to the legislature for amendments to the charter permitting specific things to be done, the city be given a general right to legislate for itself.

Racial Divisions.—One of the most curious and instructive sides of city government in Montreal has been provided by the race division in the city. In 1908 Judge Paul

Martineau, an ex-alderman, writing on 'The Civic Administration of Montreal,' said :

> Traces of nationalism are found everywhere, in the charter, in committees, in the distribution of patronage, in general administration, in the press, coming unsuspectedly to the surface and again disappearing under the influence of toleration and tact. In the charter the wards are not specially classified as French, English, Irish or mixed, but their boundaries are fixed so as to arrive *de facto* at this very classification, and no change would be permitted which could materially affect the racial character of the representation. More than that, as the English or French minority in some wards was sufficiently strong to elect one of the two aldermen by combining their vote on one person, cumulative voting was specifically prevented. The charter provides that the minutes of the council must be written in both French and English. Half the civic assessors must by law be Catholic, the other half Protestant.

In 1842, he says, the council was composed of 11 English and 7 French members ; in 1844, 9 English and 8 French ; in 1845, 12 English and 5 French ; in 1881, 15 English and 12 French. In 1883 the French obtained a majority, since considerably increased by annexations. By a general understanding the mayors are alternately French- and English-speaking. The system works well. These agreements teach liberality and breadth of view and produce good mayors. The two populations are now about equal, with the English slowly gaining.

Other Cities

In examining in detail the development of the metropolitan city, we reduce to brief limits the story of the other cities of the province, since their lines of growth have been similar though more restricted.

Of the history of city government in Quebec the outline has been given up to 1840, and its retention of the bi-cameral system of council was mentioned. Its growth has been slow but steady, until now its population is estimated at about

eighty thousand. Its streets have been conditioned by history and its picturesque site, and since the cliffs naturally break up the town there has not been the necessity for breathing-spaces so urgent in Montreal. Its waterworks system, a private one, reaches the city by a pipe under the St Charles River. The Quebec Gas Company, established in 1849, two years after the New City Gas Company of Montreal, superseding the Quebec Gas, Light and Water Company, incorporated in 1843, supplies gas at high prices. Electric light was first supplied in 1881 by the Montmorency and Charlevoix Railway Company. Afterwards, in 1899, the name was changed to the Quebec Railway, Light and Power Company. A few years later all the local companies were merged. The Quebec Street Railway Company established horse-cars in 1863 and is now, as an electrified line, the dominant element in the Quebec Railway, Light and Power Company. Like Montreal, Quebec has had on several occasions to combat the encroachments of speculators seeking franchises from the legislature.

Some of the largest cities of the province are former suburbs of Montreal, and still indistinguishable from it to the passer-by. Several of these have been merged with it, such as St Henri, Ste Cunegonde and St Louis. Westmount and Maisonneuve are now even surrounded by the mother city, but cling to their independence. Westmount, with a present population of about twenty thousand, obtained a town charter in 1904, and immediately began a progressive career. No city in Canada has excelled it in most municipal conditions. It has a magnificent site on a spur of Mount Royal; its streets are better paved than those of any other city in the Dominion; nearly all have building restriction lines; about half the town is limited to detached villas; no saloons or factories are allowed; its mansions and schools are beautiful; it makes its own electric light, both public and private, has a perfect incineration plant, a fine park and public library and other buildings, and is entirely equipped with cement side-walks kept clean of snow in winter by the authorities.

Its progress has had considerable effect upon the adjoin-

ing city of Montreal and its suburbs, all of which have copied its side-walks and other features, and have been spurred to renewed civic life. It was in Westmount that the Union of Canadian Municipalities originated.

Maisonneuve, a handsome factory suburb, has also made great progress. It has good streets, equipped with first-class sewers and other works. A beautiful park of two hundred acres crowns the slope behind the place. Its population, which is rapidly growing, is at present over thirty thousand, and, like Westmount, it is surrounded by Montreal.

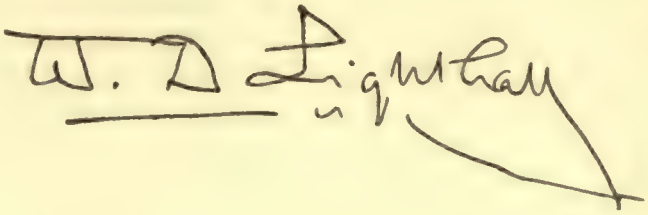
Sherbrooke, the capital of the Eastern Townships, with a population of about twenty thousand souls, on the beautiful St Francis River at its junction with the Magog, the falls of which supply the city with abundant water-power, stands high for good management. Founded before 1845 by the British American Land Company, which was established to develop the St Francis valley, its present city charter dates from 1892. Since 1908 it has owned its own water and electric power, which it claims to supply at the lowest rate in Canada. Its people are deeply interested in city-planning.

Three Rivers, founded in 1634, was very largely destroyed by fire in 1908, but has taken advantage of the occasion to build with wider streets and better buildings. Its city charter was first granted in the seventeenth year of the reign of George III. Its population is about sixteen thousand.

General Laws

Several other cities of less note, but none of them without interest, have grown up in the province; all have special charters and are controlled by single-chamber councils. In 1903 a general statute entitled the Cities and Towns Act was passed which improved and modernized the laws relating both to cities and towns, introducing general provisions applicable to most of the conditions of the present time. Cities and towns obtaining new charters are required to adopt the provisions of the act, with only such exceptions as are specially permitted by the legislature. The result has been to prevent overgrown special charters and to provide work-

able standard clauses. The act was somewhat improved in 1908, when made a chapter of the Revised Statutes. Previous to 1903, clauses from the Town Corporations Act of 1877, a somewhat crude yet very useful statute, afterwards improved in the Revised Statutes of 1888, were incorporated in such charters.



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